

Def Exhibit: # 2

Date: 4/28/03

Judge: JMR

Case #: K102888

FILED EX-2
DATE 4/28/03
JUDGE JMR
CASE # 102888

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE GRAND JURY SUBPOENA
(MATERIAL WITNESS)

: Misc. No. 02-308 JKS
:
:
: (Filed Under Seal)
...oOo...

MR. CLERK:

Please issue a Bench Warrant for the arrest of witness Lee Boyd Malvo. Based upon the nature of the investigation and the potential harm to this investigation by public disclosure, it is requested that the motion, this request, and the affidavit be sealed by the Court until such time as disclosure is warranted.

Respectfully submitted,

Thomas M. DiBiagio
United States Attorney

By: _____
A. David Copperwhite
James M. Trusty
Assistant United States Attorneys
United States Courthouse, Suite 400
6500 Cherrywood Lane
Greenbelt, Maryland 20770-1249
301-344-4433

ORDER

It is this 23rd day of October, 2002, hereby ORDERED, that a Bench Warrant be issued for the arrest of the above-named witness as prayed, and that this order, the attached affidavit, and the attached motion be sealed with three copies provided to the United States Attorney's Office.

Jillyn K. Schulze
United States Magistrate Judge
U.S. District Court for the
District of Maryland

Def Exhibit: # 4

Date: 4/28/03

Judge: JMR

Case #: K102888

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MATERIAL WITNESS
ALLEGED TO BE
LEE BOYD MALVO

NO. 02-3088-JKS
(Juvenile Matter)
(UNDER SEAL)

O R D E R

Upon the *ex parte* communication received this date from counsel for the material witness, pertaining to certain difficulties created for counsel in the representation of the material witness by the scope of the oral Order restricting communication issued October 24, 2002, and the government having been apprised of the contents of this Order and having no objection, it is this 25th day of October, 2002, ORDERED:

1. That counsel for the government and the above-named material witness may reveal that the material witness appeared in the United States District Court for the District of Maryland before Magistrate Judge James K. Bredar on October 24, 2002;

2. That during that appearance Joshua Treem Esq. was appointed by the Court to represent the material witness;

3. That counsel for the material witness is permitted to reveal only such additional matters as necessary to effectively represent the interests of his client;

4. That All other provisions of the oral Order restricting communication entered October 24, 2002, not in conflict with the

4/28/03
JMR

21
JMR

provisions set forth above remain in full force and effect; and

5. That, as this Order pertains to a juvenile, it is SEALED until further Order of this Court.

BY THE COURT:

James K. Bredar
United States Magistrate Judge

I hereby attest and certify on 4-21-03
that the foregoing document is a true and correct
copy of the original on file in my office and in my
legal custody.
FELICIA C. CANNON
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
By Edith Tate Deputy

Def Exhibit: # 5

Date: 4/28/03

Judge: JMR

Case #: K102888

FILED SEP 5
DATE 4/22/03
JUDGE TMR
CASE # 102888
L. L. J. ZOUZ
AT GENEENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

JOHN DOE, Juvenile

Crim. No. 02-0474
02-3088 JKS

MOTION TO DISMISS MATERIAL WITNESS WARRANT

The United States Attorney for the District of Maryland, Thomas M. DiBiagio, and Assistant United States Attorney, A. David Copperthite hereby move to dismiss the material witness warrant filed in the above-captioned matter. John Doe Juvenile was served with a Criminal Information and the United States Attorney has fulfilled the certification requirements pursuant to 18 U.S.C. §5032. John Doe Juvenile is no longer a material witness, but is now charged with offenses set forth in the Criminal Information.

WHEREFORE, the United States moves to dismiss the material witness warrant as moot and also requests the Court remove any hearing scheduled on the docket regarding the material witness warrant.

Thomas M. DiBiagio
United States Attorney

10/29/02
A. David Copperthite
Assistant United States Attorney

I hereby attest and certify on 04-23-03
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody.

FELICIA C. O'BRIEN
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By Edith Tate Deputy

22

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

OCT 29 2002

ATTEST
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

*
UNITED STATES OF AMERICA

v.

JOHN DOE, Juvenile

Crim. No. 02-0474

02-3088 JKS

ORDER

Upon the foregoing Motion to Dismiss the Material Witness Warrant and hearing, it is
this 29th day of October, 2002, hereby ORDERED, that the Material Witness Warrant be and
hereby is DISMISSED;

IT IS FURTHER ORDERED, that the hearing scheduled for the Material Witness
Warrant by and hereby is removed from the docket as moot.

JAMES K. BREDAR
United States Magistrate Judge

I hereby attest and certify on 4-21-03
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody.

FELICIA S. CANNON
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By [Signature] Deputy

23
[Signature]

Def Exhibit: # 6

Date: 4/28/03

Judge: JMR

Case #: K102888

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PLF-DEF-EX.# 6
DATE 4/28/03
JUDGE JMR
CASE # 102888

UNITED STATES OF AMERICA

v.

(sealed)
CRIMINAL INFORMATION

JOHN DOE, JUVENILE
(see byd Malvo)

CASE NUMBER: 02-C-0474

The United States Attorney charges that:

1) From a time unknown but beginning prior to October 2, 2002 until October 24, 2002, in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, did knowingly and willfully conspire with JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by extortion, and to commit and threaten physical violence to a person in furtherance of a plan or purpose to do so, in violation of 18 U.S.C. § 1951.

2) From a time unknown but beginning prior to October 2, 2002 until October 24, 2002, in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce and the movement of articles and commodities in commerce by extortion, and did knowingly commit and threaten physical violence to a person in furtherance of a plan or purpose to do so, in violation of 18 U.S.C. §§ 1951 and 2.

3) From a time unknown but beginning prior to October 2, 2002 until October 24, 2002, in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, did knowingly and willfully combine, conspire, confederate and agree with JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY to travel in interstate commerce with intent to commit crimes of violence, to wit, murders, to further an unlawful activity, to wit, extortion in violation of 18 U.S.C. § 1951, and thereafter to commit crimes of violence to further the unlawful activity, in violation of 18 U.S.C. § 371 and § 1952.

4) On or about October 2, 2002, in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly travel in interstate commerce from outside the State and District of Maryland to a place within the State and District of Maryland, with intent to commit crimes of violence, to wit, murders, to further an unlawful activity, to wit, extortion in violation of 18 U.S.C. § 1951, and thereafter committed crimes of violence to further the unlawful activity, in violation of 18 U.S.C. §§ 1952 and 2.

5) On or about October 3, 2002, in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly travel in interstate commerce from the State and District of Maryland to the District of Columbia, with intent to commit crimes of violence, to wit, murders, to further an unlawful activity, to wit, extortion in violation of 18 U.S.C. § 1951, and thereafter committed crimes of violence to further the unlawful activity, in violation of 18 U.S.C. §§ 1952 and 2.

6) On or about October 7, 2002, in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly travel in interstate commerce from the Commonwealth of Virginia to the State and District of Maryland, with intent to commit crimes of violence, to wit, murders, to further an unlawful activity, to wit, extortion in violation of 18 U.S.C. § 1951, and thereafter committed crimes of violence to further the unlawful activity, in violation of 18 U.S.C. §§ 1952 and 2.

7) On or about October 9, 2002, in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly travel in interstate commerce from the State and District of Maryland to the Commonwealth of Virginia, with intent to commit crimes of violence, to wit, murders, to further an unlawful activity, to wit, extortion in violation of 18 U.S.C. § 1951, and thereafter committed crimes of violence to further the unlawful activity, in violation of 18 U.S.C. §§ 1952 and 2.

8) On or about October 22, 2002, in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly travel in interstate commerce from the Commonwealth of Virginia to the State and District of Maryland, with intent to commit crimes of violence, to wit, murders, to further an unlawful activity, to wit, extortion in violation of 18 U.S.C. § 1951, and thereafter committed crimes of violence to further the unlawful activity, in violation of 18 U.S.C. §§ 1952 and 2.

9) On or about October 2, 2002, at approximately 5:20 p.m., in the District of Maryland, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, 3 and 4 above, in violation of 18 U.S.C. §§ 924(c) and 2.

10) On or about October 2, 2002, at approximately 6:02 p.m., in the District of Maryland, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of

the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, 3 and 4 above, in violation of 18 U.S.C. § 924(c), and did, during the course of that violation, cause the death of James D. Martin through the use of the firearm, in violation of 18 U.S.C. §§ 924(j) and 2.

11) On or about October 3, 2002, at approximately 7:41 a.m., in the District of Maryland, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, 3 and 4 above, in violation of 18 U.S.C. § 924(c), and did, during the course of that violation, cause the death of James Buchanan through the use of the firearm, in violation of 18 U.S.C. §§ 924(j) and 2.

12) On or about October 3, 2002, at approximately 8:12 a.m., in the District of Maryland, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, 3 and 4 above, in violation of 18 U.S.C. § 924(c), and did, during the course of that violation, cause the death of Premkumar Walekar through the use of the firearm, in violation of 18 U.S.C. §§ 924(j) and 2.

13) On or about October 3, 2002, at approximately 8:37 a.m., in the District of Maryland, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, 3 and 4 above, in violation of 18 U.S.C. § 924(c), and did, during the course of that violation, cause the death of Sarah Ramos through the use of the firearm, in violation of 18 U.S.C. §§ 924(j) and 2.

14) On or about October 3, 2002, at approximately 9:58 a.m., in the District of Maryland, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, 3 and 4 above, in violation of 18 U.S.C. § 924(c), and did, during the course of that violation, cause the death of Lori Lewis Rivera through the use of the firearm, in violation of 18 U.S.C. §§ 924(j) and 2.

15) On or about October 3, 2002, at approximately 9:20 p.m., in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN

MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, 3 and 5 above, in violation of 18 U.S.C. § 924(c), and did, during the course of that violation, cause the death of Pascal Charlot through the use of the firearm, in violation of 18 U.S.C. §§ 924(j) and 2.

16) On or about October 4, 2002, at approximately 2:30 p.m., in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, and 3 above, in violation of 18 U.S.C. §§ 924(c) and 2.

17) On or about October 7, 2002, at approximately 8:09 a.m., in the District of Maryland, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, 3 and 6 above, in violation of 18 U.S.C. §§ 924(c) and 2.

18) On or about October 7, 2002, at approximately 8:09 a.m., in the District of Maryland, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly and with reckless disregard for the safety of another, discharge a firearm that had moved in and that otherwise affected interstate commerce at a place that the defendant knew was a school zone, in violation of 18 U.S.C. §§ 922(q)(3)(A) and 2.

19) On or about October 19, 2002, at approximately 7:59 p.m., in the District of Maryland and elsewhere, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, 3 and 7 above, in violation of 18 U.S.C. §§ 924(c) and 2.

20) On or about October 22, 2002, at approximately 5:56 a.m., in the District of Maryland, the defendant, JOHN DOE, Juvenile, aided and abetted by JOHN ALLEN MUHAMMAD, a/k/a JOHN WILLIAMS, a/k/a WAYNE WEEKS, a/k/a WAYNE WEEKLEY, did knowingly use and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the violations of 18 U.S.C. §§ 371, 1951 and 1952 described in paragraphs 1, 2, 3 and 8 above, in violation of 18 U.S.C. § 924(c), and did, during the course of that

violation, cause the death of Conrad Johnson through the use of the firearm, in violation of 18 U.S.C. §§ 924(j) and 2.

Date

15/ by Tru/
Thomas M. DiBiagio
United States Attorney

Def Exhibit: # 7

Date: 4/28/03

Judge: JMR

Case #: K102888



FindLaw
WWW.FINDLAW.COM

DISTRICT COURT OF MARYLAND FOR Montgomery County

Located at 27 Courthouse Square, Rockville, Maryland 20850

Case No.: 000D00126250

STATE OF MARYLAND
COMPLAINANT:
Officer THOMPSON, ROGER
Agency/Subagency: MCP HQ's
ID: 0215

VS
MALVO, JOHN LEE
EX 42217 WOBURN ST
BELLINGHAM, WA 98206

CC4: SID.
Local ID: DL#
Race: S Sex: M Height: 5'5" Weight: 125 Hair: BLK Eyes: BRN
DOB: 02/13/1955 Phone(H): Phone(W):

PLF DEF EX # 7
DATE 4/28/03
JUDGE JMK
CASE # 102888

STATEMENT OF CHARGES

UPON THE FACTS CONTAINED IN THE APPLICATION OF THOMPSON, ROGER
IT IS FORMALLY CHARGED THAT MALVO, JOHN LEE at
the dates, times and locations specified below:

NUM	CHG CTT	STATUTE	PENALTY	DESCRIPTION OF THE CHARGE
001	20900	CR 2-201	DEATH	MURDER-FIRST DEGREE On or About 10/03/2002 at 6:02PM 2201 RANDOLPH RD., SILVER SPRING, MONTGOMERY COUNTY, MARYLAND. ...did feloniously, willfully and of deliberately premeditated malice aforethought kill and murder James Daniel Martin. Against the Peace, Government, and Dignity of the State.
002	20900	CR 2-201	DEATH	MURDER-FIRST DEGREE On or About 10/03/2002 at 7:30AM HUTCH COURT, ROCKVILLE MONTGOMERY COUNTY, MARYLAND. ...did feloniously, willfully and of deliberately premeditated malice aforethought kill and murder James S. Buchanan. Against the Peace, Government, and Dignity of the State.
003	20900	CR 2-201	DEATH	MURDER-FIRST DEGREE On or About 10/03/2002 at 8:10AM 4100 ASPEN HILL RD., SILVER SPRING, MONTGOMERY COUNTY, MARYLAND. ...did feloniously, willfully and of deliberately premeditated malice aforethought kill and murder Premaratn Walaker. Against the Peace, Government, and Dignity of the State.
004	20900	CR 2-201	DEATH	MURDER-FIRST DEGREE On or About 10/03/2002 at 8:37AM 3300 INTERNATIONAL DRIVE, SILVER SPRING, MONTGOMERY COUNTY, MARYLAND. ...did feloniously, willfully and of deliberately premeditated malice aforethought kill and murder Maria Sarah Ramos. Against the Peace, Government, and Dignity of the State.

Date: 10/25/2002 Time: 7:24 PM

Judicial Officer:

6558

Tracking No. 021001762773



DISTRICT COURT OF MARYLAND FOR Montgomery County

Located at 27 Courthouse Square, Rockville, Maryland 20850

Cas e No.:009D00126259

STATE OF MARYLAND

COMPLAINANT:
Officer THOMPSON, ROGER
Agency/Subagency: MCP HQ15
ID:0215

VS

MALVO, JOHN LEE
LKA 2217 WOODBURN ST
BELLINGHAM, WA 98201-0000

CC#: SID.
Local ID: DL# DL State:
Race:1 Sex:M Height:55' Weight:125 Hair:BLK Eyes:BRN
DOB:02/13/1955 Phone(H): Phone(W):

STATEMENT OF CHARGES

UPON THE FACTS CONTAINED IN THE APPLICATION OF THOMPSON, ROGER
IT IS FORMALLY CHARGED THAT MALVO, JOHN LEE at
the dates, times and locations specified below:

NUM	CHG/CIT	STATUTE	PENALTY	DESCRIPTION OF THE CHARGE
005	2090	CR 2-201	DEATH	MURDER-FIRST DEGREE On or About 10/03/2002 10515 CONNECTICUTT AVE, KENSINGTON, MONTGOMERY COUNTY, MARYLAND. ...did feloniously, willfully and of deliberatly p remeditated murder throughout kill and murder Lori Ann Levee-Rivers. Against the Peace, Government, and Dignity of the State.
005	2090	CR 2-201	DEATH	MURDER-FIRST DEGREE On or About 10/22/2002 14100 BLOCK GRANDE PERRD., SILVER SPRING, MONTGOMERY COUNTY, MARYLAND. ...did feloniously, willfully and of deliberatly p remeditated murder throughout kill and murder Conrad Johnson. Against the Peace, Government, and Dignity of the State.

Date:10/25/2002 Time:7:24 PM

Judicial Officer:

6558

Tracking No. 021001762773



FindLaw
WWW.FINDLAW.COM

DISTRICT COURT OF MARYLAND FOR Montgomery County

Located at 27 Courthouse Square, Rockville, Maryland 20850

Case No.: 000D00126259

STATE OF MARYLAND

VS

MALVO, JOHN LEE

LKA 2217 WOBURN ST

BELLINGHAM, WA 00000-0000

CC#:

Local ID:

Race: I

Sex: M

Ht: 5'5"

Wt: 125

Hair: BLK

Eyes: BRN

DOB: 02/13/1985

Phone(F):

Phone(W):

SSN:

DL#:

Charge | Statute | Arrest
MURDER-FIRST DEGREE | CR2-201 |
MURDER-FIRST DEGREE | CR2-201 |
MURDER-FIRST DEGREE | CR2-201 |

Charge | Statute | Arrest
MURDER-FIRST DEGREE | CR2-201 |
MURDER-FIRST DEGREE | CR2-201 |
MURDER-FIRST DEGREE | CR2-201 |

ARREST WARRANT ON CHARGING DOCUMENT - Warrant No. D020886832

STATE OF MARYLAND, Montgomery County
TO ANY PEACE OFFICER, Greetings:

YOU ARE ORDERED to arrest and bring before a judicial officer the above-named Defendant as soon as practicable and without unnecessary delay. If a judicial officer is not readily available, this Warrant shall authorize the prisoner's detention until compliance is had with Rule 4-212 and the arresting officer is authorized and required to comply with Rule 4-212.

IF THE DEFENDANT IS NOT IN CUSTODY FOR ANOTHER OFFENSE,

Initial appearance is to be held in county in which Warrant was issued.

IF THE DEFENDANT IS IN CUSTODY FOR ANOTHER OFFENSE, this Warrant is to be lodged as a detainer for the continued detention of the Defendant for the offense charged in the charging document. When the Defendant is served with a copy of the charging document and Warrant, the Defendant shall be taken before a judicial officer of the District Court.

Date: 10/25/2012 Time: 7:25 PM

Judge/Commissioner:

ID: 6558

Given to: MONTGOMERY COUNTY POLICE-POLICE HEADQUARTERS

RETURN OF SERVICE

☐ I certify that at _____ M on _____ at _____

_____, I executed this Arrest Warrant by arresting the Defendant and delivered a copy of the Statement of Charges to the Defendant.

☐ I left a copy of the Warrant and Charging Document as a detainer for the continued detention of the Defendant at:

Facility: _____

Location: _____

Signature & Title of Peace Officer: _____

Printed Name of Officer: _____

Agency, Sub-Agency, I.D.: _____

Date: _____

Tracking No. 021001762773

ARREST WARRANT ON CHARGING DOCUMENT

Arrest

Def Exhibit: # 10

Date: 4/28/03

Judge: JMR

Case #: K102888

PLF-DEF EX.# 10
DATE 4/28/03
JUDGE SMR FILED _____ ENTERED _____
CASE # 102888 ODGED _____ RECEIVED _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

OCT 29 2002

AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

UNITED STATES OF AMERICA : -- UNDER SEAL --

v. : CRIMINAL CASE NO. 02-0474

JOHN DOE, JUVENILE :
(LEE BOYD MALVO) :

: : : :
: : : :

ORDER APPOINTING COUNSEL

Upon the Court's finding that this matter is unusually complex, that the above-named juvenile's effective representation will require the services of more than one attorney, and that the juvenile is indigent; and pursuant to the Criminal Justice Act (18 U.S.C. § 3006A) and the Sixth Amendment to the United States Constitution; and finally upon a finding that the interests of justice so require, it is

ORDERED, that Mr. A. J. Kramer, Federal Public Defender for the District of Columbia, Mr. Robert Tucker, Assistant Federal Public Defender for the District of Columbia, and the Office of the Federal Public Defender for the District of Columbia are appointed to serve, together with Mr. Joshua Treem who was previously appointed, as counsel and legal representatives for the above-named juvenile in this matter.

Dated this 29th day of October, 2002.

BY THE COURT:

James K. Bredar
United States Magistrate Judge

I hereby attest and certify on 04-23-03
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody.
FELICIA C. CANNON
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
By Erith Torte Deputy
10/30/02
cc. to Kramer
10/29/02

4

Def Exhibit: # 12

Date: 4/28/03

Judge: JMR

Case #: K102888

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

JOHN DOE, JUVENILE
(Lee Boyd Malvo)

Defendant

Criminal Docket No. ~~02~~-02-0474

Baltimore, Maryland
November 4, 2002
1:35 PM to 3:28 PM

The above-entitled matter came on for a hearing before
The Honorable James K. Bredar

A P P E A R A N C E S

On Behalf of the Plaintiff:

A. David Copperthite, Assistant U.S. Attorney
James M. Trusty, Assistant U.S. Attorney

On Behalf of the Defendant:

Andrew Jay Graham, Esquire, Guardian Ad Litem
Joshua R. Treem, Esquire
A. J. Kramer, Federal Public Defender, Washington, D.C.
Robert Tucker, Asst. Federal Public Defender, Washington, D.C.

ALSO PRESENT

Michael McCoy, Special Agent, FBI

Sharon Cook, Official Court Reporter, U.S. District Court

1 Attorney in the Eastern District of Virginia.

2 MS. DWYER: Debbie Dwyer, Assistant United States
3 Attorney, District of Maryland.

4 MR. CORNISH: Trent Cornish, United States Pretrial
5 Services.

6 MR. LANGSTON: Kean Langston, United States Pretrial
7 Services.

8 THE COURT: Moving forward to the two marshals seated
9 behind the juvenile.

10 DEPUTY MARSHAL PEREZ: Dennis Perez, Deputy U.S.

11 Marshal.

12 DEPUTY MARSHAL FRIEDERICK: Mark Frederick, Deputy U.S.

13 Marshal.

14 MR. GRAHAM: Andrew Graham, Guardian Ad Litem.

15 THE COURT: Very well. Moving to Mr. Tucker.

16 MR. TUCKER: Good afternoon, Your Honor. Bob Tucker
17 for the juvenile.

18 MR. KRAMER: Good afternoon, Your Honor. A. J.

19 Kramer, also on behalf of the juvenile.

20 MR. TREEM: Joshua Treem, also on behalf of the
21 juvenile, Your Honor.

22 THE COURT: And the person seated to your right is
23 your client, the juvenile, is that correct, Mr. Treem?

24 MR. TREEM: Yes, it is, Your Honor.

25 THE COURT: Mr. Copperthite.

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PROCEEDING HELD NOVEMBER 4, 2002

THE COURT: Good afternoon.

COUNSEL: Good afternoon, Your Honor.

THE COURT: Mr. Donovan, is the door to the courtroom
sanctuary locked?

CHIEF DEPUTY MARSHAL DONOVAN: The outside door is
locked, Your Honor.

THE COURT: The outside door is. Very good.

Let's make a record, first of all, as to who is
present in the courtroom, and then, after that, we will call
the case.

I will start by acknowledging the presence of the U.S.
Marshal, Mr. Hughes; and his Chief Deputy, Mr. Donovan. In the
back row, I see two representatives from our Clerk's Office.
If you would, please, identify yourselves.

MS. WOHLFORT: Christina Wohlfort.

MS. GIBSON: Claudia Gibson.

THE COURT: And moving to the front row, if you would
please identify yourself, and, if you are associated with an
organization or agency, tell us who.

AGENT REORDAN: Scott Reordan. I am a Special Agent
with the ATF.

MS. HOOPER: Linda Hooper. I am a supervisory special
agent with the FBI.

MR. TRUMP: Jim Trump, Assistant United States

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MR. COPPERTHITE: Yes, Your Honor. David Copperthite,
Assistant United States Attorney on behalf of the government,
along with Mr. Trusty on behalf of the government. Mike McCoy,
is the agent seated at trial table, with the FBI.

THE COURT: Thank you.

And in the back row of the jury box?

DEPUTY MARSHAL BERRY: Good afternoon, Your Honor.

Richard Berry, U.S. Marshals Service, Prince George's County.

THE COURT: And now we will come across the front.

MR. JAMES: Tom James, Law Clerk for Judge Bredar.

MR. GOLDSMITH: Howard Goldsmith, Courtroom Deputy for
Judge Bredar.

MS. COOK: Sharon Cook, Court Reporter.

THE COURT: Very well. Mr. Copperthite, are you
satisfied that everyone in the courtroom has been identified
and that every person who is here is legitimately here?

MR. COPPERTHITE: Yes, Your Honor.

THE COURT: Mr. Treem?

MR. TREEM: Yes, Your Honor.

THE COURT: Mr. Copperthite, would you please call the
case.

MR. COPPERTHITE: Yes, Your Honor. This is United
States of America v. John Doe, Juvenile (Lee Boyd Malvo). This
is Criminal Case Number 02-474. We are here for a detention
hearing.

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PLF-DEX # 12
DATE 11/28/02
JUDGE FMR
CASE # 102888

1 THE COURT: Thank you, Mr. Copperthite.
 2 Mr. Treem, are you ready to proceed?
 3 MR. TREEM: We are, Your Honor.
 4 THE COURT: And your client is here as well.
 5 MR. TREEM: Yes, Your Honor.
 6 THE COURT: I see him, and he appears to be alert and
 7 awake, looking right at me, and his eyes are blinking.
 8 Assuming that he has no desire to address the Court today, that
 9 is as much a record as I think we need to make in that regard.
 10 We are here this afternoon pursuant to 18 U.S.C
 11 Section 5034. More specifically, pursuant to the third
 12 paragraph of that section, which says:
 13 If the juvenile has not been discharged
 14 before his initial appearance before the
 15 magistrate judge, the magistrate judge shall
 16 release the juvenile to his parents, guardian,
 17 custodian, or other responsible party
 18 (including, but not limited to, the director of
 19 a shelter-care facility) upon their promise to
 20 bring such juvenile before the appropriate court
 21 when requested by such court unless the
 22 magistrate judge determines, after hearing, at
 23 which the juvenile is represented by counsel,
 24 that the detention of such juvenile is required
 25 to secure his timely appearance before the

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1 appropriate court or to insure his safety or
 2 that of others.
 3 That provision does not contain any presumptions,
 4 explicit assignments of burden or the like. I intend to be
 5 guided in our hearing today by the provision familiar to all of
 6 us set out at 18 U.S.C. Section 3141 et seq., but only to the
 7 extent that I think that statute does a good job of identifying
 8 factors that can be relevant in a proceeding such as this. I
 9 do not, and explicitly do not, adopt any of the presumptions or
 10 assignments of burden of proof that that statute contains.
 11 Instead, it's my conclusion that 5034 sets out a
 12 general — I am not going to call it a presumption, but it may
 13 be kind of an assumption that juveniles normally will be
 14 released to their parents, guardian, custodian, etc., and that
 15 that is what Congress intended to be the starting point in our
 16 thinking about what should occur here, but that the government
 17 certainly can demonstrate that that would be inappropriate in a
 18 particular case on grounds of flight risk, danger to himself,
 19 or a danger to others.
 20 What I am saying, Mr. Copperthite, is you have the
 21 burden here.
 22 The statute is silent on the question on how the
 23 government or any party should proceed at a hearing like this.
 24 The typical practice in this district, as counsel are aware, is
 25 to allow the government to proceed by proffer rather than live

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1 evidence. But my personal procedure is to reserve to the Court
 2 the prerogative to direct that live evidence be presented if a
 3 proffer is not either sufficiently clear or if there are
 4 credibility determinations that require the presence of a
 5 particular witness to actually testify.
 6 Mr. Copperthite, I am not going to constrain you at
 7 this point in terms of how you proceed and what the
 8 government's presentation looks like. All I want noted is that
 9 I feel and find that you have the burden here and that proffers
 10 of necessity are going to be accorded less weight than live
 11 testimony. But you have had enough experience before me, as
 12 has Mr. Treem, to know that sometimes, while that may be true,
 13 given what is proffered, there's not much dispute such that
 14 it's necessary to put on live testimony.
 15 So, it's your call. What is your intention today?
 16 MR. COPPERTHITE: The government will proceed by
 17 proffer at this point, Your Honor.
 18 THE COURT: Very good. As always, please be careful
 19 to identify the witness whose testimony it is that you are
 20 proffering.
 21 You may proceed.
 22 MR. COPPERTHITE: Your Honor, the information I will
 23 provide by proffer as to the — I am going to address flight
 24 first. As to the issue of flight, I will try to be very
 25 specific about the source of that information.

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1 The first piece of information comes from the FBI.
 2 The government would have call agents who have spoken to other
 3 agents who are attached to the Embassy in Jamaica, in order to
 4 assist the Court in any questions it may have.
 5 The first piece of evidence I would like to present is
 6 a birth registration form from a hospital.
 7 THE COURT: It might be form over substance, but I
 8 still want you to name who it is that you would call to the
 9 witness stand. Understanding that hearsay might be fully
 10 admissible, but so our record is clear here, the government
 11 would call —
 12 MR. COPPERTHITE: Special Agent McCoy.
 13 THE COURT: Okay. Who was introduced previously.
 14 MR. COPPERTHITE: Yes, Your Honor.
 15 THE COURT: And Agent McCoy would testify —
 16 MR. COPPERTHITE: He would testify that he has spoken
 17 to agents who have researched an issue regarding the birth
 18 certificate of a person identified as Lee Boyd Malvo.
 19 That registration form — I should not say it's a
 20 birth certificate, but it is specifically a birth registration
 21 form — comes from a Victoria Jubilee Hospital.
 22 It shows his date of birth as the date of birth that
 23 we have for this juvenile, being born in 1985, which would
 24 still make him a juvenile.
 25 THE COURT: What date?

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1 MR. COPPERTHITE: The Court's indulgence just a
2 moment.

3 (Pause in the proceeding.)

4 MR. COPPERTHITE: February 18, 1985.

5 However, the government has been unable, despite its
6 efforts, to identify this person seated to the right of Mr.
7 Treem as actually being Lee Boyd Malvo. We have not been able
8 to positively identify who this person is. We have not been
9 able to identify this person by any particular witnesses.

10 In fact, as to the age of this person, there is some
11 conflicting evidence. The government would have called Special
12 Agent McCoy to testify that there was a statement from a friend
13 of the family's. That statement is still being researched, but
14 that particular statement was that this person seated to the
15 right of Mr. Treem was older than the age of 18, was believed
16 to be 19 or 20.

17 So, the government is unable to verify exactly who
18 this person is who is seated at trial table in the maroon
19 jumpsuit. We do know that this person in the maroon jumpsuit,
20 who we will refer to as "the juvenile" for purposes of this
21 proceeding, is in -- and, again, the government would call
22 Special Agent McCoy to testify to these facts -- is in
23 violation of an INS bond that was placed upon him by the
24 Immigration Service. He was stated at the time to be a
25 Jamaican national, who is pending a removal hearing in the

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1 state of Washington.

2 He entered the country illegally with a woman who at
3 the time claimed she was his mother. She used two different
4 names, Una James, U-n-a, and Uma James, U-m-a.

5 THE COURT: Let's stop there for a second.

6 It strikes me that you are going to need to provide a
7 little more foundation given the difficulties you have
8 acknowledged in terms of identifying this person.

9 How do I know it's the same person?

10 MR. COPPERTHITE: There has been a comparison of the
11 photograph that was received, and -- the Court's indulgence one
12 moment.

13 (Pause in the proceeding.)

14 MR. COPPERTHITE: The fingerprints at the time of the
15 INS arrest matched the fingerprints of the person who is seated
16 to the right of Mr. Treem.

17 THE COURT: Okay. You may continue.

18 MR. COPPERTHITE: And Agent McCoy has spoken to other
19 agents who have also spoken to immigration officers regarding
20 these issues.

21 He entered the country illegally, as I stated, with a
22 woman who at the time claimed to be his mother, Una James,
23 U-n-a, also known as Uma James, U-m-a. Ms. James at the time,
24 on both her behalf and the person to the right of Mr. Treem,
25 stated initially that they were stowaways. That was her

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1 initial story as to how she came into the United States with
2 this person in the maroon jumpsuit. That came from the U.S.
3 Border Patrol. Agents have interviewed Border Patrol officers
4 in Florida. That was her first story.

5 She later claimed that they entered by another source
6 and were not, in fact, stowaways. This person, Una James, also
7 known as Uma James, has had a refugee application which she
8 filed with the Immigration Service in an attempt to remain in
9 the United States.

10 Since the events of October 24th and the arrest of the
11 person in the maroon jumpsuit, she has since withdrawn her
12 refugee application and indicates now that she wants to leave
13 the country.

14 She is currently believed to be in Seattle. The only
15 contact that has been had with her, I believe, has been through
16 attorneys who have indicated they represent her. We do not
17 know of her exact whereabouts, but she is believed to be in
18 Seattle, Washington.

19 Also as to the issue of flight, due to the nature and
20 charges and seriousness of the offense that we are faced with
21 here, under the Criminal Information filed against John Doe,
22 Juvenile, we have possible life without parole as a penalty.

23 Also, if this juvenile were found not to be a
24 juvenile, --

25 THE COURT: Before you get into that, let's go back to

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1 the INS issue. Did you say something at the outset about this
2 person having violated the terms of an INS bond?

3 MR. COPPERTHITE: Yes. Thank you, Your Honor. Let me
4 elaborate on that. I mentioned this at a previous hearing, I
5 believe at our initial hearing.

6 At the time of the INS arrest of Una or Uma James and
7 the person seated to the right of Mr. Treem, at the time of
8 that arrest, INS placed as part of the bond restrictions that
9 this person to the right of Mr. Treem could not leave the state
10 of Washington without prior approval from INS.

11 THE COURT: When was that?

12 MR. COPPERTHITE: That was in -- September?

13 I'm sorry. One moment, Your Honor.

14 (Pause in the proceeding.)

15 MR. COPPERTHITE: He was released on January 23, 2002
16 on an INS bond.

17 Initially, Your Honor, a hearing on that bond was set
18 for November 2, 2002, which would have been two days ago. The
19 conditions of that release to John Doe, Juvenile, were that he
20 could not leave the state of Washington.

21 The government has evidence that links -- again,
22 Special Agent Michael McCoy would testify that the government
23 has evidence that links this person, Joe Doe, Juvenile, to
24 Maryland, -- and, of course, he was arrested in Maryland -- to
25 Virginia, to Louisiana, and to Alabama as well. That would

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1 show that he was certainly in violation of his INS bond.

2 As to the nature of the charges and the seriousness,
3 as I began to indicate earlier, we have possible life without
4 parole penalties. If this person, Joe Doe, Juvenile, is found
5 to be an adult, then the violations that are set forth in this
6 Criminal Information, had they been a Criminal Complaint
7 against an adult, would also be death penalty eligible
8 offenses.

9 We also have evidence that this person, John Doe,
10 Juvenile, since at least sometime in September, if not before
11 September, was basically living out of a car with an adult,
12 John Muhammad, and that they traveled to these different
13 states -- Maryland, Virginia, Louisiana, and Alabama -- from
14 the state of Washington.

15 We have no fixed address on either of these persons,
16 either Mr. Muhammad or John Doe, Juvenile.

17 THE COURT: Why do you believe they were living out of
18 a car?

19 MR. COPPERTHITE: From evidence recovered from a
20 search warrant executed on the car, which indicated clothing.
21 That is one bit of evidence.

22 In addition, the government has not been able to
23 identify any permanent residence for either Mr. Muhammad or
24 John Doe, Juvenile.

25 And at the time of their arrest, Your Honor, they were

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1 THE COURT: How do you know this?

2 MR. COPPERTHITE: I was personally present right after
3 that happened. But the government would call witnesses who
4 were present at the time, Montgomery County detectives,
5 homicide detectives, as well as ATF agents, and FBI agents who
6 were present at the scene who have advised us to that effect
7 and described the attempted escape.

8 THE COURT: And Agent McCoy is someone who you can
9 name who could testify to that information?

10 MR. COPPERTHITE: Agent McCoy could testify to that
11 information.

12 The Court's indulgence.

13 (Pause in the proceeding.)

14 MR. COPPERTHITE: As to the issue of flight, in
15 summary, Your Honor, I would say that what we have as to the
16 issue of flight is someone who has already fled from an INS
17 bond, who has exhibited his unwillingness to cooperate with the
18 authorities in terms of Pretrial Services.

19 He has no fixed address.

20 He is an illegal alien, as far as we know.

21 He may or may not be an adult.

22 We still don't have any convincing evidence as to
23 specifically who he is.

24 ~~And~~ the government is still getting conflicting
25 information as to his date of birth and his possible

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1 sleeping at a rest stop in Frederick, Maryland, inside the car.

2 In addition, Your Honor, as to the risk of flight,
3 John Doe, Juvenile has refused to cooperate with Pretrial
4 Services in order to establish any links to the community or
5 any other identifying factors that would maybe present some
6 arguments for any type of release.

7 In fact, the Court has noted several times, as we have
8 been here for several hearings for John Doe, Juvenile, that
9 John Doe, Juvenile has, although there have been times when he
10 has shown that he understands the English language, when spoken
11 to him by the Court, and he stood up at several times when the
12 Court has asked him to stand, without prompting, he responded
13 initially, and he still refuses to speak.

14 The government has evidence from several witnesses,
15 that Agent McCoy would testify to, that he does speak and
16 understand English.

17 We have high school records from the state of
18 Washington that would indicate that as well, and a high school
19 principal in the state of Washington, also.

20 After his arrest on October 24th, John Doe, Juvenile
21 attempted to escape by placing a chair on top of a table in the
22 interrogation room, the observation room where he was being
23 held. He then attempted to climb through the ceiling tiles,
24 where he was stuck and had to be brought down from the ceiling
25 tiles.

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1 identities.

2 So, as to a risk of flight, I think it is clear that
3 there are no conditions to set for this John Doe, Juvenile to
4 ensure his appearance at any court proceedings in the future.

5 THE COURT: Okay. Anything else on flight?

6 MR. COPPERTHITE: No, Your Honor, not at this time.

7 THE COURT: Do you want to address his own safety or
8 the safety of other people?

9 MR. COPPERTHITE: Yes. First, let me address the
10 safety of the juvenile.

11 As to his own safety, I think the fact that he was in
12 custody and attempted to escape by climbing through ceiling
13 tiles indicates that he is a danger to himself.

14 And I think the fact that he has associated himself
15 with an adult who has been driving around the country living
16 out of a car shows that he is a danger to himself.

17 THE COURT: What do you believe the relationship to
18 the adult is, if you know?

19 MR. COPPERTHITE: I do not know, and I cannot say
20 exactly what that relationship is.

21 THE COURT: Do you believe that the adult has any kind
22 of parental or quasi-parental relationship to the child?

23 I mean, someone traveling around the country with
24 their parent or someone who is legitimately in charge of him is
25 a very different picture than a child out there with some

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1 less-connected person.

2 MR. COPPERTHITE: Your Honor, the government would
3 call an FBI special agent who had a brief conversation with Una
4 James, or Una James, who says that her son did not have her
5 permission to be with Mr. Muhammad.

6 And she described her son as being John Doe, Juvenile.
7 We don't know whether it is or is not her son, as I said
8 before, but that is the information we have.

9 There is no legal authority for John Doe, Juvenile to
10 be in the custody of John Muhammad.

11 THE COURT: Okay.

12 MR. COPPERTHITE: Also, as to the issue of -- this
13 crosses into the safety to the public as well. John Doe,
14 Juvenile was taken into custody in a vehicle which was parked
15 at a rest stop off of I-70 near the Frederick County line, and
16 there was a Bushmaster .223 rifle that has been ballistically
17 linked to twelve shootings, nine which were homicides and three
18 which were not fatal, in the vehicle with John Doe, Juvenile.

19 So, I think, Your Honor, as to the government's
20 summary as to the safety of the juvenile, if, in fact, this
21 person is a juvenile, I think that his freedom in the community
22 certainly is a risk to his own safety.

23 As to the public safety issue, the Court has -- for
24 the record, not assuming you know any facts about this
25 particular investigation, but this investigation involves

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1 shootings that occurred from October 2nd through October 22nd.
2 I believe October 22nd was the date of the last shooting. And
3 it also has encompassed shootings prior to that in different
4 states.

5 This defendant, this juvenile, was arrested with an
6 adult defendant, John Muhammad, in a vehicle, as I said, at a
7 rest stop on I-70. The government would call Special Agent
8 McCoy to testify to these facts.

9 In that vehicle was recovered the Bushmaster .223
10 rifle, with a very sophisticated scope on the rifle, and that
11 rifle has been ballistically matched to, as I said, twelve
12 shootings, nine which were homicides and three which were not
13 fatal.

14 And there is continued investigation of other
15 incidents in other states. That particular rifle was matched
16 to shootings in Baton Rouge, Louisiana; Montgomery, Alabama; as
17 well as Maryland and Virginia. And, again, that investigation
18 is ongoing.

19 And just the simple fact that John Doe, Juvenile's
20 fingerprints were recovered from an Armalite magazine, which is
21 a magazine that is printed by a gun manufacturer, at the scene
22 of the Montgomery, Alabama shooting, outside of a liquor
23 store, --

24 THE COURT: Armalite?

25 MR. COPPERTHITE: Armalite, A-r-m-a-l-i-t-e.

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1 THE COURT: That is the name of the publication?

2 MR. COPPERTHITE: That is the company.

3 THE COURT: Oh. It's like a catalog or something?

4 MR. COPPERTHITE: It's like a catalog. It is a
5 catalog. It has different parts for firearms.

6 The fingerprints from that magazine, which was seen
7 being dropped by a person running from the scene, matches the
8 fingerprints of Mr. Malvo, or John Doe, Juvenile, seated to the
9 right of counsel, in Montgomery, Alabama.

10 In addition, the persons believed to be involved in
11 the sniper shooting called in to the police, confessing to that
12 particular shooting as being something the police should look
13 into. It was after that call that the Montgomery, Alabama
14 shooting was matched and ballistics were done.

15 THE COURT: Run that by me again. I know exactly what
16 you are referring to, but I am interested in your phrasing.

17 MR. COPPERTHITE: Let me see if I can clarify that.

18 The investigators received a phone call from a person
19 who they were able to identify as the person who left certain
20 signatures, notes at shootings. That person used a certain
21 code phrase in the conversation, and, in that conversation,
22 indicated, you should look at the Montgomery, Alabama shooting,
23 and specifically to look at the ballistics. And the ballistics
24 did, after examination, match.

25 In that shooting in Montgomery, Alabama, one woman was

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1 killed and another woman was critically shot but survived.

2 I should state that I have been advised, and Agent
3 McCoy would testify to this, that the investigators looking
4 into that shooting have shown photo IDs of Mr. Malvo to
5 witnesses, and one witness identified Mr. Malvo as the person
6 at the scene of that homicide.

7 THE COURT: You are talking about in Montgomery,
8 Alabama?

9 MR. COPPERTHITE: Right, in Montgomery, Alabama.

10 Your Honor, I think the evidence regarding public
11 safety is overwhelming with this particular John Doe, Juvenile.
12 The fact that he was arrested in a car with what has been
13 determined to be the murder weapon in nine of these twelve
14 shootings, that it is certainly a situation where the
15 government feels there is no way to ensure the public safety
16 other than to keep this juvenile detained.

17 At this point, Your Honor, the government would rest
18 on those arguments and proffers.

19 THE COURT: Mr. Copperthite, are there any affidavits
20 in support of or in relation to process that you have obtained
21 from this court that contain information relevant to this
22 proceeding, be they search warrant affidavits, arrest warrant
23 affidavits, etc.?

24 Some of this may be under seal, and I am not asking
25 you to ask that they be unsealed at this point, but I just want

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1 to make sure that as a source of relevant information, that
2 that has not at least been considered. I don't want it to have
3 been neglected.

4 MR. COPPERTHITE: There was a material witness warrant
5 issued for John Doe, Juvenile initially that was under seal,
6 and I don't believe that was ever unsealed.

7 THE COURT: Was it revealed to the juvenile's defense
8 attorneys?

9 MR. COPPERTHITE: Yes.

10 THE COURT: Okay.

11 MR. COPPERTHITE: That was the initial vehicle upon
12 which the juvenile was arrested.

13 THE COURT: All right. Given that it has been
14 revealed to the defense team, do you request that it be
15 incorporated into this record?

16 MR. COPPERTHITE: Yes, Your Honor, I do.

17 THE COURT: It will be.

18 MR. COPPERTHITE: In addition, there was a search
19 warrant issued for the vehicle as well that details a lot of
20 the information regarding the actual investigation. A return
21 of the inventory of the search warrant has been filed.

22 THE COURT: That has also been produced to this
23 defense team?

24 MR. COPPERTHITE: Yes, Your Honor.

25 THE COURT: All right. Now, Ms. Gibson, I am not sure

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1 juvenile, in any other jurisdiction, and also whether any
2 detainers have been filed against him, or of which the marshals
3 have notice, in this jurisdiction.

4 THE COURT: Mr. Copperthite, do you care to respond to
5 that?

6 MR. COPPERTHITE: May I have a moment with the
7 Marshal?

8 THE COURT: You may.

9 (Pause in the proceeding.)

10 MR. COPPERTHITE: I have been advised, and this is my
11 recollection of the other jurisdictions, that Montgomery,
12 Alabama has charged the juvenile, and there are detainers from
13 Montgomery, Alabama.

14 THE COURT: With?

15 MR. COPPERTHITE: With homicide.

16 And Montgomery County, Maryland has charged the
17 juvenile.

18 THE COURT: So, these are actual -- we'll make a list
19 here -- detainers that you believe are on file with our
20 Marshal?

21 MR. COPPERTHITE: That is correct.

22 THE COURT: Okay. Montgomery, Alabama, homicide.
23 What else?

24 MR. COPPERTHITE: Montgomery County, Maryland has
25 charged the juvenile with homicide. There are detainers from

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1 if I have actually gotten that, so if you would make an effort
2 to locate the affidavit in support of the search warrant for
3 the vehicle, I will need that in my chambers.

4 MR. COPPERTHITE: Your Honor, I don't know whether --
5 I apologize. I don't know whether the return was provided to
6 defense counsel.

7 MR. TREEM: It has not been, Your Honor.

8 THE COURT: All right. Do you have any objection to
9 that being produced?

10 MR. COPPERTHITE: No, Your Honor. We can provide a
11 copy of the return.

12 THE COURT: All right. Ms. Gibson, let's get a copy
13 of that warrant, the affidavit which Mr. Treem indicates he
14 already has, and copies of the return, one for the defense team
15 and one for me, when the hearing has been concluded.

16 Thank you.

17 Anything else, Mr. Copperthite?

18 MR. COPPERTHITE: No, Your Honor.

19 THE COURT: Mr. Treem, who is going to be addressing
20 this for the defense?

21 MR. TREEM: I will, Your Honor. I just have one
22 question which might shortcut any presentation.

23 THE COURT: Yes.

24 MR. TREEM: That is, whether the government can advise
25 whether charges have been filed against Mr. Malvo, the

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1 Montgomery County, Maryland.

2 THE COURT: How many counts?

3 MR. COPPERTHITE: I believe there are six counts of
4 homicide.

5 THE COURT: Anything else?

6 MR. COPPERTHITE: Those are all first degree murders.

7 THE COURT: Okay. Is Alabama also murder?

8 MR. COPPERTHITE: First degree murder and the nonfatal
9 shooting.

10 THE COURT: Okay.

11 MR. COPPERTHITE: And Spotsylvania County, Virginia
12 has also filed charges against John Doe, Juvenile.

13 The Court's indulgence just a moment.

14 THE COURT: Yes.

15 (Pause in the proceeding.)

16 MR. COPPERTHITE: There was attempted murder charges
17 from Spotsylvania County.

18 THE COURT: All right. Did you tell me there was a
19 murder in Spotsylvania County or only attempted murder?

20 MR. COPPERTHITE: Attempted murder.

21 THE COURT: So, there's an attempted murder charge,
22 one case, in Spotsylvania County.

23 MR. COPPERTHITE: And a detainer has been filed.

24 THE COURT: And a detainer. Okay.

25 Any other detainers?

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1 MR. COPPERTHITE: Those are the three that I am aware
2 of.

3 THE COURT: There was some reference when this thing
4 was before me last week to an INS detainer.

5 MR. COPPERTHITE: Yes. I'm sorry. There is an INS
6 detainer that INS placed based on the violation of the INS
7 bond.

8 THE COURT: Okay. Thank you.

9 Mr. Treem.

10 MR. TREEM: Your Honor, in view of the listing of the
11 detainers that are on file and the charges that have been filed
12 against Mr. Malvo in other jurisdictions, we are not going to
13 be presenting any evidence by way of proffer or otherwise at
14 this hearing.

15 THE COURT: Okay. Do you wish to be heard, Mr. Treem?

16 MR. TREEM: No, Your Honor.

17 THE COURT: The Court will take a twenty-minute
18 recess.

19 (The recess was then taken.)

20 THE COURT: It appears that the same persons are
21 present as when I departed, except that the Marshal, Mr.
22 Hughes, is no longer with us; Ms. Wohlfort is no longer with
23 us; and Ms. Felicia Cannon, the Clerk of the Court, is with us.

24 Is that correct, Mr. Copperthite?

25 MR. COPPERTHITE: Yes, Your Honor.

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1 is subject to all of the restrictions previously ordered in
2 this case for records.

3 Now, the Court has been -- how should I put this? --
4 approached rather vigorously by members of the media concerning
5 this matter. Of course, this issue was addressed thoroughly on
6 Friday, i.e. this is a closed proceeding, and matters
7 pertaining to it and records are sealed.

8 Nonetheless, trying to strike just exactly the right
9 balance between the public's right to know what goes on in here
10 and the juvenile's right to be free from all of the attendant
11 stigma and negative consequences of that, I did authorize the
12 Clerk earlier today to place onto what we call the "press
13 phone" here a recorded message.

14 It was very brief, but it did confirm that a juvenile
15 matter, without identifying the juvenile, would occur before me
16 today at 1:30 in this courthouse.

17 I believe we indicated that it was a detention
18 hearing, Ms. Cannon, and, other than that, there was reference
19 to statutes, indicating that the matter would be conducted
20 pursuant to 18 U.S.C. Section 5034.

21 Now that this hearing has been conducted and this
22 Order has been entered, I am considering directing the Clerk to
23 make a similarly-terse revelation of the fact that the hearing
24 occurred and that, at the conclusion of the hearing, the
25 juvenile was ordered detained.

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1 THE COURT: Mr. Treem?

2 MR. TREEM: Yes, Your Honor.

3 THE COURT: Mr. Goldsmith, if you would distribute
4 these three copies of a written Order, one copy to the Marshal,
5 one copy to Mr. Copperthite, and one copy to Mr. Treem.

6 (The Courtroom Deputy Clerk complied.)

7 THE COURT: I have entered a written Order of
8 Detention in this case, which I am not now going to read, but
9 instead will briefly summarize.

10 In this Order, I find the existence of certain facts
11 for purposes of this hearing only.

12 I also find that the juvenile is a flight risk and
13 that to release him would be to create a danger to his own
14 safety and would create a danger to the safety of other
15 persons.

16 I then go on to order his detention until such time as
17 this Order of Detention is vacated or superseded by a further
18 order of this court.

19 The parties will note that I have tracked the language
20 of Section 5035, where I set out my Order, requiring that
21 certain conditions prevail at the place where the juvenile is
22 detained.

23 Beyond that, the Order speaks for itself.

24 The original is being handed to the Court Clerk at
25 this time for filing. It, of course, is filed under seal and

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1 I suppose this contains slightly more substantive
2 information than we released earlier, and that is why I am
3 bringing it up now, just to see if any party objects to that
4 occurring.

5 Mr. Copperthite?

6 MR. COPPERTHITE: No, Your Honor.

7 THE COURT: Mr. Treem?

8 MR. TREEM: We have no objection, Your Honor.

9 THE COURT: All right. Other than that, the
10 restrictions on communication with the press and the public at
11 large remain what I ordered them to be last week.

12 I will say that that is further relaxed to the extent
13 that the parties are also free to reveal what I just
14 indicated -- that is, that there was a hearing in this case,
15 that it occurred here in this courthouse, that it occurred
16 before me, and that, at the conclusion of the hearing, the
17 juvenile, who should not be named, was ordered detained.

18 Also, as I have noted previously, all of these
19 restrictions, while they apply to the defense, there is always
20 in operation the exception that I specified when we first
21 began. That is, that despite this Order, the defense is free
22 to reveal that information which is reasonably necessary to
23 reveal in the furtherance of the effective representation of
24 the juvenile.

25 Do you have any questions about any of that, Mr.

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1 Treem?

2 MR. TREEM: No, Your Honor.

3 THE COURT: Is there anything else we can productively

4 accomplish in this matter today?

5 Mr. Copperthite?

6 MR. COPPERTHITE: No, sir. Thank you.

7 THE COURT: Mr. Treem?

8 MR. TREEM: Well, actually, there were a couple of

9 things, Your Honor.

10 THE COURT: The matter of the search warrants?

11 MR. TREEM: That's one. The other is that I believe

12 your order of my representation expires today.

13 THE COURT: Oh. Yes.

14 MR. TREEM: How do you want to handle that?

15 THE COURT: Why don't you and Mr. Kramer approach the

16 bench.

17 Mr. Copperthite, I take it you have no objection to

18 this discussion occurring ex parte?

19 MR. COPPERTHITE: No, Your Honor.

20 THE COURT: If you want to, just stand by while we

21 take this up.

22 We will go into a sealed proceeding here.

23 (A sealed discussion then took place at the bench.

24 It was reported but not transcribed at this time.)

25 THE COURT: That concludes the in camera proceeding,

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1 and we are now back on the record in the juvenile proceeding.

2 Let the record reflect that the Court, after ex parte

3 communication with Mr. Treem and Mr. Kramer, has determined

4 that it is appropriate to appoint Mr. Treem to continue as

5 legal counsel in this case, presumably for the duration. The

6 Court will be in contact with Ms. Shearer, the Criminal Justice

7 Act Supervising Attorney, to see if any other paperwork, or

8 orders, or vouchers, or whatever needs to be entered.

9 There is still hanging, Mr. Graham, the question that

10 we discussed previously relating to your service. We are

11 endeavoring to get that sorted out, but my understanding is

12 that that does not impact on your capacity to continue in the

13 role in which you have been serving.

14 MR. GRAHAM: Right. Okay.

15 THE COURT: Don't take that as an indication of

16 anything negative in terms of the outcome of the issue. It is

17 just remarkable how complex the bureaucracy is in which we all

18 labor.

19 MR. GRAHAM: Okay.

20 THE COURT: But the Court's firm intention is exactly

21 what it was a week ago.

22 MR. GRAHAM: Okay.

23 THE COURT: All right. That is a matter that I have

24 addressed obliquely, but I think it is something that is

25 appropriately -- I guess I should say opaquely not obliquely,

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1 but is nonetheless appropriately kept that way.

2 Anything else, Mr. Treem?

3 MR. TREEM: Nothing other than the search warrants,

4 Your Honor.

5 THE COURT: Yes. How are we going to do that, Mr.

6 Copperthite? Upstairs in the lockup with Mr. Treem present?

7 MR. COPPERTHITE: Yes, Your Honor, I believe we can do

8 that. I will just have to make sure we have the -- we should

9 be able to do that.

10 THE COURT: This is voice and handwriting; correct?

11 MR. COPPERTHITE: That, Your Honor, we are not going

12 to do today.

13 THE COURT: Okay. So, was there anything else?

14 MR. TREEM: I think that was all, Your Honor, except

15 that there are two other things with respect to the search

16 warrants. One was whether or not Magistrate Judge Connelly

17 had, in fact, extended the search warrants.

18 THE COURT: I don't know the answer to that.

19 Mr. Copperthite, do you know?

20 MR. COPPERTHITE: The government did not seek an

21 extension, Your Honor.

22 MR. TREEM: Then I guess that ends the issue.

23 THE COURT: That was only voice and handwriting?

24 MR. COPPERTHITE: That is correct, Your Honor.

25 THE COURT: So, that warrant lapsed without it being

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1 executed?

2 MR. COPPERTHITE: That is correct.

3 MR. TREEM: Fine.

4 Your Honor, can we have one moment to confer with

5 other counsel?

6 THE COURT: Yes.

7 (Pause in the proceeding.)

8 THE COURT: Mr. Graham, may I see you for a moment.

9 MR. GRAHAM: Yes.

10 THE COURT: We're off the record.

11 (An off-the-record discussion was held at the bench.)

12 THE COURT: We're back on the record.

13 Mr. Treem.

14 MR. TREEM: Your Honor, there is nothing else that we

15 wish to raise at this time.

16 THE COURT: Mr. Copperthite?

17 MR. COPPERTHITE: Nothing further, Your Honor.

18 THE COURT: Okay. The juvenile is remanded to the

19 custody of the United States Marshal pursuant to the Court's

20 Detention Order.

21 We are in recess.

22 COUNSEL: Thank you, Your Honor.

23 (The proceeding was then concluded.)

24

25

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C E R T I F I C A T I O N

I, Sharon Cook, hereby certify that I was the Official Court Reporter present during the foregoing proceeding and that this verbatim transcript is true and accurate. The proceeding was taken by me in machine shorthand, and this verbatim transcript was subsequently prepared by me utilizing the XSCRIBE Computer-Aided Transcription system.

Sharon Cook
Official Court Reporter
7522 United States Courthouse
101 West Lombard Street
Baltimore, Maryland 21201
Telephone No.: (410) 837-2343

Sharon Cook, Official Court Reporter, U.S. District Court

**Look-See
Concordance Report**

UNIQUE WORDS: 899
TOTAL OCCURRENCES:
2,449
NOISE WORDS: 385
TOTAL WORDS IN FILE:
6,176

SINGLE FILE
CONCORDANCE

CASE SENSITIVE

NOISE WORD LIST(S):
NOISE.NOI

INCLUDES ALL TEXT
OCCURRENCES

DATES ON

INCLUDES PURE
NUMBERS

POSSESSIVE FORMS
ON

MAXIMUM TRACKED
OCCURRENCE
THRESHOLD: 50

NUMBER OF WORDS
SURPASSING
OCCURRENCE
THRESHOLD: 3

LIST OF THRESHOLD
WORDS:

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COURT [94]
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Def Exhibit: # 13

Date: 4/28/03

Judge: JMR

Case #: K102888

FILED EX. # 13
DATE 4/24/03
JUDGE JMR
CASE # 102888
LED ENTERED
DOGED RECEIVED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

OCT 29 2002

U.S. DISTRICT COURT
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA : -- UNDER SEAL --
v. : CRIMINAL CASE NO. 02-0474
JOHN DOE, JUVENILE :
(LEE BOYD MALVO) :

: : :
: : :

ORDER

Upon a hearing in a closed courtroom in the U.S. Courthouse in Baltimore, Maryland, on October 29, 2002, with representatives of the juvenile Lee Boyd Malvo and the government present, the Court ORDERS AND DIRECTS the following:

1. Joshua Treem, Esquire, is appointed to represent the juvenile at this hearing and through November 4, 2002;

2. Until further notice, the Court's Pretrial Services Office is relieved from attempting to interview the juvenile upon the representation of counsel for the juvenile that the juvenile will not speak to representatives of the Office;

3. No later than noon on November 1, 2002, the government will provide to the Court authority for the notion that the powers granted to the Attorney General under 18 U.S.C. § 5032 may be delegated to the United States Attorney and/or specific Assistant United States Attorneys;

4. The government is directed to take forthwith such steps as are necessary to ensure that a consular official of the Jamaican government is aware of the identity of the juvenile, the charges pending against him, that he is held in official detention by the United States

Filed 10/29/02
10/31/02

6

Government pursuant to Court order, the location of the place of detention, and the identity and telephone number of the attorney appointed to represent the juvenile;

5. The government is directed to address (and counsel for the juvenile may address) in writing by noon on November 1, 2002, whether the juvenile is entitled to a preliminary hearing or other proceeding to determine whether there is probable cause to believe he is guilty of the offenses with which he is charged;

6. The government is directed to provide to the Court by noon on November 1, 2002, a written submission with supporting authorities detailing the procedural steps it believes should next be taken in this matter (aside from the detention hearing scheduled for November 4, 2002) and proposing a schedule for such next steps;

7. The Marshal is to take such steps as are necessary to assure that the juvenile is detained under conditions compliant with 18 U.S.C. § 5035;

8. Counsel for the government and the juvenile may reveal only that the juvenile appeared this date in this Court before the undersigned for "preliminary proceedings" and no other information in relation to these proceedings except that defense counsel may make those revelations reasonably necessary to effectively represent and defend his client;

9. On or before October 30, 2002, the government will request that Judge Connelly of this Court extend until the close of business on November 4, 2002, his Order/Warrant authorizing the taking of voice and handwriting exemplars from the juvenile, with the understanding that the

government will attempt to execute the warrant in Court at the time of the detention hearing now scheduled for 1:30 p.m. on November 4, 2002;

10. The Marshal, the juvenile's custodians, and any/all other law enforcement agencies and their employees and agents are forbidden from taking any blood samples from the juvenile unless authorized by Order of the Court;* the Marshal and/or the government is to disclose to the Court and defense counsel by noon on November 1, 2002, what, if any, blood samples have been taken from the juvenile prior to the entry of this Order, why such samples were taken, where such samples are and to what use they have been made; and if such blood samples exist, the Marshal is to take custody of the samples and any data accumulated therefrom and not release to anyone, including any other law enforcement agency, such samples or data without an express Order of the Court; and

11. That this Order and all other Orders and transcripts in this juvenile matter before the Court today be placed UNDER SEAL.

Entered this 29th day of October, 2002

BY THE COURT.

James K. Bredar
United States Magistrate Judge

* except, of course, in such instance as might be necessary to deliver urgently needed medical care to the juvenile.

I hereby attest and certify on 4-21-03
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody.

FELICIA C. CANNON
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By Edith Tate Deputy

Def Exhibit: # 14

Date: 4/28/03

Judge: JMR

Case #: K102888

FILED 14 ENTERED
DATE 4/28/02 LODGED RECEIVED
JUDGE JMR
CASE # 102888 NOV 7 - 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ATTEST
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

UNITED STATES OF AMERICA : -UNDER SEAL-
v. : CRIMINAL NO. 02-0474
JOHN DOE, JUVENILE :
(LEE BOYD MALVO)

..oo0oo..

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon the United States Attorney for the District of Maryland hereby dismisses the Information pending against the defendant in the above captioned case.

Thomas M. DiBiagio
United States Attorney

By: Assistant United States Attorney

Leave of Court is granted for the filing of the foregoing dismissal und seal.

November 7, 2002
Date

United States Magistrate Judge

Advice to U.S. Marshal:
(check one)

- ☐ 1. Defendant is not in custody.
- ☐ 2. Defendant is in custody and the USAO believes that:
 - ☐ a. there is no reason to hold defendant further.
 - ☐ b. the defendant should be held in Federal custody. (explain below)
 - ☒ c. the defendant should be transferred to State custody. (explain below)

I hereby attest and certify on 4-21-03
that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

FELICIA G. CHANNON
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

Guth Tate Deputy
By: Explanation...

Def Exhibit: # 16

Date: 4/28/03

Judge: JMR

Case #: K102888

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PLF-DEF EX. # 16
DATE 4/28/03
JUDGE JMR
CASE # 102888

CHAMBERS OF
JAMES K. BREDAR
UNITED STATES MAGISTRATE JUDGE

November 7, 2002

BALTIMORE, MARYLAND 21201
(410) 962-0950
(410) 962-2985 FAX

Mr. James Wyda
Federal Public Defender
for the District of Maryland
100 South Charles Street
Tower II, Suite 1100
Baltimore, Maryland 21201

A. J. Kramer, FPD
Robert Tucker, AFD
Office of the Federal Public
Defender
625 Indiana Avenue, NW - Ste 550
Washington, DC 20004

Joshua R. Treem, Esquire
Schulman, Treem, Kaminkow,
Gilden & Ravenell, LLC
World Trade Center, Suite 1800
401 East Pratt Street
Baltimore, Maryland 21202-3003

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LODGED RECEIVED

NOV 12 2002

AT COUNSEL
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

Subject: *United States v. John Muhammad, United States v. John Doe, Juvenile*

Dear Mr. Wyda, Mr. Treem, Mr. Kramer, and Mr. Tucker:

Earlier today this Court entered an Order dismissing certain charging documents relating to the above individuals. Previously, you were ordered by the Court to provide legal services to these individuals. Now, in light of the dismissal orders entered earlier today, some of you have contacted the Court informally to ascertain whether your Court-ordered service as counsel has been completed.

Under the Criminal Justice Act Plan for this District, and 18 U.S.C. § 3006A(a)(1)(H), and possibly other provisions, your clients are entitled to your court-ordered representation so long as they are in circumstances where they are "entitled to appointment of counsel under the Sixth Amendment to the Constitution." While certain charging documents may have been dismissed, you may not have had the opportunity to discuss the significance of those dismissals with your clients. Further, to the extent that there are parallel proceedings in state court relating to the same matters that have been the subject of your representation in the federal proceedings, then, until such time as other competent counsel have assumed responsibility for the representation of your clients, you should treat those state matters as "ancillary matters" within the meaning of 18 U.S.C. § 3006A(c) and continue to represent your clients pursuant to this Court's earlier orders. Finally, unless it is demonstrated that your clients no longer are targets or subjects of investigations by federal law enforcement authorities and/or a federal grand jury, they may very well be entitled to your continued representation. To the extent that you conclude that the federal investigation has ended and that your clients are no longer federal targets, and once you have counselled them in that regard, and when you have concluded that with respect to related ancillary matters in which they are charged, other

1/11/02 faxed
11/7/02 ew

B

Letter to Counsel
Page Two
November 7, 2002

competent counsel have undertaken representation, or should you otherwise conclude that your clients are no longer in need of your representation, then you may seek orders from this Court terminating your roles as appointed counsel.

Although informal, this letter constitutes an ORDER of the Court and shall be docketed as such.

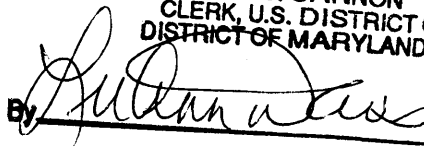
Very truly yours,

James K. Bredar
United States Magistrate Judge

JKB/cw
cc: AUSA David A. Copperthite
AUSA James M. Trusty

I hereby attest and certify on 4-10-03
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody.

FELICIA C. CANNON
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By  Deputy

Def Exhibit: # 18

Date: 4/28/03

Judge: JMR

Case #: K102888

ICN: 1001914 JUV: 430063

SC#: 059JJX000915815

PETITION

Commonwealth of Virginia VA. CODE §§ 16.1-262; 16.1-263

Case No.: JJ35618

PLF DEF EX. #	18
DATE	4/28/03
JUDGE	Jhp
CASE #	102888

FAIRFAX COUNTY

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

In re a Child under eighteen years of age AGE AT TIME OF OFFENSE: 17 YRS

CHILD'S NAME 1. MALVO, LEE BOYD	SSN:	DATE OF BIRTH 2. 02/18/85	AGE 17 YRS	SEX M.F.	RACE M	B
CHILD'S ADDRESS 4. NO FIXED ADDRESS NONE.		TELEPHONE NO.				
FATHER'S NAME 5. MALVO, LESLIE S	SSN	DATE OF BIRTH	TELEPHONE NO. UNKNOWN			
FATHER'S ADDRESS 6. EXACT UNKNOWN ST. ANDREWS JAMAICA,						
MOTHER'S NAME 7. JAMES, UMA S	SSN	DATE OF BIRTH	TELEPHONE NO. 09/28/64			
MOTHER'S ADDRESS 8. 3002 BROADWAY FT. MEYER, FL 33901**						
GUARDIAN/LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS NAME AND ADDRESS 9. **2017 WOBURN ST. BELLINGHAM, WASHINGTON 98226						TELEPHONE NO.
GUARDIAN'S /LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS RELATIONSHIP TO CHILD 10.						
OTHER(S) NAME AND ADDRESS 11.						TELEPHONE NO.
12. Child Held in CUSTODY <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
13. Place of Detention or Shelter Care						
14. Date and Time Taken into Custody						
13. Date and Time Placed in Detention or Shelter Care						
15. The above information is not known to the petitioner. No(s)						

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this city/county, the child ON OR ABOUT THE 14TH DAY OF OCTOBER, 2002, IN THE COUNTY OF FAIRFAX,

LEE BOYD MALVO DID WILLFULLY, DELIBERATELY AND WITH PREMEDITATION

KILL AND MURDER LINDA FRANKLIN, SAID KILLING BEING THE KILLING OF MORE

THAN ONE PERSON WITHIN A THREE YEAR PERIOD IN VIOLATION OF VA. CODE

18.2-31(8)

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

11/06/02 DET IM BOYLE

DATE PETITIONER'S NAME (PRINT OR TYPE) PETITIONER'S SIGNATURE
FXCO CIB 4010 CHAIN BRIDGE RD FAIRFAX VA 22030

PETITIONER'S ADDRESS AND TELEPHONE NUMBER, COURT COPY ONLY

Sworn/affirmed and signed before me on

INTAKE OFFICER [] NOTARY PUBLIC (My commission expires)

Filed by: [] INTAKE OFFICER [] ATTORNEY

DATE

ICN: 1001914 JUV: 430063

DETENTION ORDER

Case No.

JJ356106-01-01

Commonwealth of Virginia Va. Code §§ 16.1-247(A & D), 16.1-248.1, 16.1-250 F, 16.1-256

02-01
03-01

FAIRFAX COUNTY

Juvenile and Domestic Relations District Court

In re: LEE BOYD MALVO

JUVENILE

SOCIAL SECURITY NUMBER

MUR-0961-F1 MORE THAN ONE PERSON IN A 3 YEAR PERIOD

MIX OFFENSES NOT FOUND IN MANDATORY JUVENILE IS TO BE DETAINED

ASL-1319-F9 FIREARM USE IN COMMISSION OF FELONY-(FIRST OFFENSE)

Other Pending and Previous Charges:

To be completed ONLY if petition is not attached to this order.

02/18/85

DATE OF BIRTH

NO FIXED ADDRESS NONE,

ADDRESS

17
AGE

B
RACE

M
SEX

WEIGHT

HEIGHT

It appears from the petition or warrant filed concerning the juvenile that the juvenile may come within the purview of the Juvenile and Domestic Relations District Court Law, and it further appears that the welfare of the juvenile requires that his or her custody be immediately assumed by the Court, in that there is probable cause to believe that the juvenile committed the act alleged in the petition or warrant and:

☒ The juvenile is alleged to have

☒ committed an act that would be a felony or Class 1 misdemeanor if committed by an adult.

☐ violated the terms of probation or parole when the charge for which he/she was placed on probation or parole would have been a felony or Class 1 misdemeanor if committed by an adult

AND there is clear and convincing evidence that:

☒ the release of the juvenile constitutes a clear and substantial threat to the person or property of others; or

☒ the release of the juvenile would present a clear and substantial threat of serious harm to such juvenile's life or health; or

☒ the juvenile has threatened to abscond from the court's jurisdiction during the pendency of the instant proceedings or has a record of willful failure to appear at a court hearing within the immediately preceding twelve months.

☐ The juvenile absconded from a detention home or facility where he has been directed to remain by the lawful order of a judge or intake officer.

☐ The juvenile is a fugitive from a jurisdiction outside Virginia and subject to verified petition or warrant.

☐ The juvenile has failed to appear in court after having been duly served with a summons in any case in which it is alleged that the juvenile has committed a delinquent act or that the juvenile is in need of services or the juvenile is in need of supervision.

☐ The juvenile failed to conform to the previously imposed conditions of release.

It is hereby ORDERED that the juvenile be taken into immediate custody and be brought before a judge or intake officer. If court is NOT open, the juvenile shall be placed in the custody of:

FAIRFAX DETENTION, a secure facility, until brought before the Court.

NAME OF AGENCY OR FACILITY

on the next day on which the court sits, not to exceed 72 hours. However, if the 72 hours expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the juvenile shall be brought before the court on the next day that is not a Saturday, Sunday, legal holiday or day on which the court is lawfully closed.

☐ SPECIAL INSTRUCTIONS: (See reverse if checked)

11/06/02

DATE

☐ CLERK

☐ JUDGE

☒ INTAKE OFFICER

☐ MAGISTRATE

ICN: 1001914 JUV: 430063

SC#: 059JJX000915871

PETITION

Case No.: J356106-02-01...

Commonwealth of Virginia VA. CODE §§ 16.1-262; 16.1-263

FAIRFAX COUNTY

DATE OF HEARING

Juvenile and Domestic Relations District Court

In re a Child under eighteen years of age

AGE AT TIME OF OFFENSE: 17 YRS

CHILD'S NAME 1. MALVO, LEE BOYD	SSN:	DATE OF BIRTH 2. 02/18/85	AGE 17 YRS	SEX M.F.	RACE M	B
CHILD'S ADDRESS 4. NO FIXED ADDRESS NONE,			TELEPHONE NO.			
FATHER'S NAME 5. MALVO, LESLIE S	SSN	DATE OF BIRTH	TELEPHONE NO. UNKNOWN			
FATHER'S ADDRESS 6. EXACT UNKNOWN ST. ANDREWS JAMAICA,						
MOTHER'S NAME 7. JAMES, UMA S	SSN	DATE OF BIRTH	TELEPHONE NO. 09/28/64			
MOTHER'S ADDRESS 8. 3002 BROADWAY FT. MEYER, FL 33901**						
GUARDIAN/LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS NAME AND ADDRESS 9. ** 2017 WOBURN ST., BELLINGHAM, WASHINGTON, 98226						TELEPHONE NO.
GUARDIAN'S /LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS RELATIONSHIP TO CHILD 10.						
OTHER(S) NAME AND ADDRESS 11.						TELEPHONE NO.
12. Child held in CUSTODY [] Yes [X] No						
13. Place of Detention or Shelter Care						
14. Date and Time Taken into Custody						
15. Date and Time Placed in Detention or Shelter Care						
15. The above information is not known to the petitioner. No(s)						

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that within this city/county the child was taken into custody on or about the 14th day of OCTOBER, 2002, IN THE COUNTY OF FAIRFAX,

LEE BOYD MALVO DID UNLAWFULLY USE A FIREARM WHILE COMMITTING THE
MURDER OF LINDA FRANKLIN IN VIOLATION OF VA. CODE 18.2-53.1

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

11/06/02 DET IM BOYLE

DATE
FXCO CIB 4010 CHAIN BRIDGE RD FAIRFAX VA 22030PETITIONER'S NAME (PRINT OR TYPE)
PETITIONER'S SIGNATURE
PETITIONER'S ADDRESS AND TELEPHONE NUMBER (COURT COPY ONLY)

Sworn/affirmed and signed before me on

[X] INTAKE OFFICER [] NOTARY PUBLIC (My commission expires:)

Filed by:

[] INTAKE OFFICER [] ATTORNEY

DATE

ICN: 1001914 JUV: 430063

SC#: 059JJX000915859

PETITION

Case No.: JJ3.561.06-03-01

Commonwealth of Virginia VA. CODE §§ 16.1-262; 16.1-263

FAIRFAX COUNTY

DATE OF HEARING

Juvenile and Domestic Relations District Court

In re a Child under eighteen years of age

AGE AT TIME OF OFFENSE: 17 YRS

CHILD'S NAME 1. MALVO, LEE BOYD	SSN:	DATE OF BIRTH 2. 02/18/85	AGE 3. 17 YRS	SEX M.F.	M	RACE B
CHILD'S ADDRESS 4. NO FIXED ADDRESS NONE,	TELEPHONE NO.					
FATHER'S NAME 5. MALVO, LESLIE S	SSN	DATE OF BIRTH	TELEPHONE NO. UNKNOWN			
FATHER'S ADDRESS 6. EXACT UNKNOWN ST. ANDREWS JAMAICA,						
MOTHER'S NAME 7. JAMES, UMA S	SSN	DATE OF BIRTH	TELEPHONE NO. 09/28/64			
MOTHER'S ADDRESS 8. 3002 BROADWAY FT. MEYER, FL 33901**						
GUARDIAN/LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS NAME AND ADDRESS 9. **2017 WOBURN ST., BELLINGHAM, WASHINGTON 98226	TELEPHONE NO.					
GUARDIAN'S /LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS RELATIONSHIP TO CHILD 10.						
OTHER(S) NAME AND ADDRESS 11.	TELEPHONE NO.					
12. Child held in CUSTODY [] Yes [] No						
13. Place of Detention or Shelter Care						
14. Date and Time Taken into Custody						
15. Date and Time Placed in Detention or Shelter Care						
15. The above information is not known to the petitioner. No(s):						

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that within this city/county the child, **LEE BOYD MALVO**, was arrested on or about the 14th day of October, 2002, in the county of **FAIRFAX**.

LEE BOYD MALVO DID WILLEULLY, DELIBERATELY AND WITH PREMEDITATION

KILL AND MURDER LINDA FRANKLIN IN THE COMMISSION OF AN ACT OF

TERRORISM AS DEFINED IN 18.2-46.4 OF THE CODE OF VIRGINIA IN VIOLATION

OF VA. CODE 18.2-31(13)

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

11/06/02 DET IM BOYLE

DATE

PETITIONER'S NAME (PRINT OR TYPE)

PETITIONER'S SIGNATURE

FXCO CIB 4010 CHAIN BRIDGE RD FAIRFAX VA 22030

PETITIONER'S ADDRESS AND PHONE NUMBER (COURT COPY ONLY)

Sworn/affirmed and signed before me on

[] INTAKE OFFICER

[] NOTARY PUBLIC (My commission expires:)

Filed by:

[] INTAKE OFFICER [] ATTORNEY

DATE

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

November 6, 2002

COMMONWEALTH OF VIRGINIA)	
)	INDICTMENT FOR
vs.)	CAPITAL MURDER AND
)	USING A FIREARM IN THE
JOHN ALLEN MUHAMMAD)	COMMISSION OF A FELONY
a/k/a John Allen Williams)	

COUNT I

The Grand Jurors of the Commonwealth of Virginia, in and for the body of the County of Fairfax, and now attending the said Court at its September Term, 2002, charges that: On or about the 14th day of October, 2002, in the County of Fairfax, John Allen Muhammad, a/k/a John Allen Williams, did willfully, deliberately and with premeditation kill and murder Linda Franklin in the commission of an act of terrorism as defined in §18.2-46.4 of the Code of Virginia.

Va. Code §18.2-31(13)

COUNT II

The Grand Jurors of the Commonwealth of Virginia, in and for the body of the County of Fairfax, and now attending the said Court at its September Term, 2002, charges that: On or about the 14th day of October, 2002, in the County of Fairfax, John Allen Muhammad, a/k/a John Allen Williams, did willfully, deliberately and with premeditation kill and murder Linda Franklin, said killing being the killing of more than one person within a three year period.

Va. Code §18.2-31(8)

COUNT III

The Grand Jurors of the Commonwealth of Virginia, in and for the body of the County of Fairfax, and now attending the said Court at its September Term, 2002, charges that: On or about the 14th day of October, 2002, in the County of Fairfax, John Allen Muhammad, a/k/a John Allen Williams, did unlawfully use a firearm while committing the murder of Linda Franklin.

Va. Code §18.2-53.1

A True Bill X

No True Bill

F O R E M A N

Witnesses subpoenaed, sworn and
available to testify before the
Grand Jury:

Det. I. M. Boyle, Fairfax County Police Dept.

A COPY TESTE:
JOHN T. FREY, CLERK
BY Nisa Hason
Deputy Clerk

Def Exhibit: # 20

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From: John Quigley <quigley.2@osu.edu> [Add to Address Book](#)

Date: Fri, 04 Apr 2003 11:05:32 -0500

To: fairfaxlaw@earthlink.net

Subject: resume

To Tom Walsh:

Resume follows.

John Quigley

CURRICULUM VITAE

JOHN QUIGLEY

I. PERSONAL INFORMATION

Birthplace and date: St. Louis, Missouri (U.S.A.), October 1, 1940

Address: College of Law
The Ohio State University
55 West Twelfth Avenue
Columbus, Ohio 43210
Tel: (614) 292-1764

II. PRESENT POSITION

Professor, College of Law, The Ohio State University, 1974 to present,
and,
since 1998, President's Club Professor in Law. Additional positions at the

Ohio State University:

! Professor (courtesy appointment), Department of Political
Science

! Professor (courtesy appointment), Department of African and
African-American Studies

! Member of the Graduate Faculty in the Program in Slavic and East
European
Studies

III. PREVIOUS POSITIONS

Professor in Law, Faculty of Law, University of Dar es Salaam,
Tanzania--1982-1983 (on leave from The Ohio State University)

Associate Professor, College of Law, The Ohio State University; and
Adjunct

Associate Professor, Department of Political Science, The Ohio State
University--1972-1974

Assistant Professor, College of Law, The Ohio State University; and
Adjunct

Assistant Professor, Department of Political Science, The Ohio State University--1971-1972

Assistant Professor, Department of Slavic Languages and Literatures; Adjunct Assistant Professor, College of Law; and Adjunct Assistant Professor, Department of Political Science, The Ohio State University--1969-1971

Research Associate, Harvard Law School--1967-1969

Instructor in Russian language, Department of Modern Languages, Massachusetts Institute of Technology--1966

IV. EDUCATION

Moscow State University, Faculty of Law, exchange research fellow (no degree) 1966-1967

Harvard Law School, LL.B. 1966

Harvard University, M.A. in Regional Studies (U.S.S.R.) 1966
Harvard College, A.B. 1962 (cum laude)

V. LANGUAGES

Russian, Spanish, French, Swahili, Italian, German, Latin

VI. BAR ADMISSIONS

Massachusetts 1967; Ohio 1973; United States District Court, Southern District of Ohio 1976; United States Court of Appeals, Sixth Circuit 1986;

United States Supreme Court 1989; United States Court of Appeals, Fourth Circuit 1997

VII. AWARDS

Distinguished Scholar Award, Ohio State University, 1995

Phi Kappa Phi, Honorary Member for Life, 1996

Outstanding Professor Award, Ohio State University College of Law and the Law Alumni Association of the Ohio State University College of Law, 1998

VIII. PROFESSIONAL ACTIVITIES

Consultant, through Adam Smith Institute (U.K.), on legal issues in Israeli-Palestinian negotiations, 1999-2000

Consultant, through U.S. Information Agency, to Legislative Initiative Foundation, a non-governmental human rights organization in Belarus, 1999

Expert witness, Kane County Circuit Court, Illinois Circuit Court, on consular law, 1998

Expert witness, Cook County Circuit Court, Illinois Circuit Court, on consular law, 1998-1999

Amicus curiae brief in Ohio v. Ramirez, Court of Appeals of Ohio (11th District), 1998

Member, Selection Committee, Foreign Language Area Studies fellowships, Center for Slavic and East European Studies, Ohio State University, 1998-99

Amicus curiae brief, Inter-American Court of Human Rights (San Jose, Costa Rica), in case involving request by Mexico for advisory opinion on the obligation of police, in capital criminal cases, to notify a detained alien of the right of consular access, 1998 (co-authored with S. Adele Shank)

Expert witness, Fairfax (Virginia) Circuit Court, on consular law, 1998

Member, Selection Committee, Foreign Language Area Studies fellowships, Center for African Studies, Ohio State University, 1997-99

Amicus curiae brief (requesting certiorari) in Murphy v. Netherland, Warden, United States Supreme Court, 1997

Amicus curiae brief in Murphy v. Netherland, Warden, U.S. Court of Appeals, Fourth Circuit, 1996

Amicus curiae brief in Ohio v. Loza, Supreme Court of Ohio, 1997

Amicus curiae brief in Ohio v. Loza, Ohio Court of Appeals (12th District), 1996

Member, Consultative Council, Lawyers Committee on Nuclear Policy, New York, 1994-

Expert witness, California Court of Appeals, on international human rights law, 1996

Expert witness, Federal Court of Canada, on the law of armed conflict, 1995-1996

Advisory Committee, Center for African Studies, Ohio State University, 1995-

Manuscript reader, Slavic Review, 1995-

Instructor in short course for law teachers in Ulan Bator, Mongolia, on methodology of law teaching, 1995, under auspices of International Law Development Institute, Rome

Consultant to plaintiff on the law of Cuba in Cintas Foundation v. Sotheby's, High Court of England, Queen's Bench Division, 1994

Consultant, through U.S. Agency for International Development, with the judiciary of Ethiopia regarding international standards for the conduct of

war crime trials, 1994

Expert, appointed by the Conference on Security and Cooperation in Europe and by the United States Department of State, to make recommendations to the governments of Ukraine and Crimea regarding the constitutional status of Crimea, 1994

Consultant, U.S. Agency for International Development, Assessment of Rule of Law Programs in Eastern Europe, 1993-94

Advocate and Counsel to the Government of Bosnia and Herzegovina, International Court of Justice, Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), 1993-1994

Consultant, through U.S. Information Agency, in Moldova, to Government of Moldova on ethnic rights and self-determination, 1993

Regional Administrator, Jessup International Law Moot Court Competition (American Society of International Law), 1993

External Examiner, Faculty of Law, National University of Lesotho, 1992-1993

Expert witness, Immigration court, Toronto, Canada, 1992-1993

Consultant, United States Agency for International Development, Legal Curriculum in Lesotho, 1992-1993

Consultant, Israel-Palestinian negotiations, Washington, D.C., 1992

Manuscript reader, Arab Studies Quarterly, 1992

Hearing Officer, European Parliament, hearing on the status of Tibet, held in Strasbourg, France, November 1992

Selection Committee, Benjamin Franklin Fellowship Program, U.S. Agency for International Development, Moscow, Russia, June 1992

Hearing Officer, human rights hearings held by the Permanent People's Tribunal, a non-governmental organization, in Uruguay, Colombia, Panama, and Argentina, 1990-91

International Editorial Advisory Board, Transnational Lawyer (McGeorge School of Law, University of the Pacific), 1991-

Research Fellow, Center for African Studies, Ohio State University, 1990

Expert witness, extradition proceedings, U.S. District Court, Eastern District of New York, 1989

Counsel in Osborne v. Ohio, United States Supreme Court, 1989

Advisory Board, Inter-American Comparative Law Institute, 1985-

Associate, Mershon Center for National Security Studies, Ohio State University, 1987

Editorial Board, Ohio State University Press, 1975-1987

Expert witness, U.S. Immigration Court, Washington, D.C., 1985

Editorial Revision Committee, Law Reports of Tanzania, 1982-1983

Expert consultant on the law of genocide, People's Revolutionary Tribunal (case of Pol Pot and Ieng Sary), Phnom Penh, Cambodia, 1979 (reported in Foreign Broadcast Information Service, Asia & Pacific, August 30, 1979, p. H8)

Member, Committee for the Evaluation of the Credentials of Foreign Law Graduates, of the League of Ohio Law Schools and the Ohio Supreme Court, 1977-1981

Co-editor, Bulletin on Current Research in Soviet and East European Law, 1971-1975

Member, Mayor's Commission to Revise Penal Code, Columbus, Ohio, 1973-1974
Editorial Board, American Review of East-West Trade, 1968-1970

Rapporteur, American Society of International Law, Panel on China and International Order, 1967-1968

Volunteer Attorney, Community Legal Assistance Office, Cambridge, Massachusetts, 1967-1969

Editorial Board, Harvard International Law Club Journal, 1965-1966

Fellow, Russian Research Center, Harvard University, 1964-1966

IX. PROFESSIONAL ORGANIZATIONS

American Association for the Advancement of Slavic Studies

American Society of International Law

American Association of University Professors

National Lawyers Guild (Vice-President 1977-1979) (Chair, Subcommittee on the Middle East, 1983 to present)

International Association of Penal Law

X. BOOKS

Basic Laws on the Structure of the Soviet State (with H. J. Berman), Harvard University Press, 1969

The Merchant Shipping Code of the USSR (1968) (with W. E. Butler), John Hopkins University Press, 1970

Forensic Psychiatry (edited), International Arts and Sciences Press, 1970

The Soviet Foreign Trade Monopoly: Institutions and Laws, Ohio State University Press, 1974

Treatment of Palestinians in Israeli Occupied West Bank and Gaza: Report

of
the National Lawyers Guild 1977 Middle East Delegation (co-author),
National Lawyers Guild, 1978 (Arabic language edition, Ramallah, West
Bank,
1986)

Law After Revolution: Essays on Socialist Law in Honor of Harold J. Berman
(edited) (with William E. Butler and Peter B. Maggs), Oceana Publications,
1988

Palestine and Israel: A Challenge to Justice, Duke University Press, 1990

The Ruses for War: American Interventionism Since World War II, Prometheus
Books, 1992

Flight into the Maelstrom: Immigration to Israel and Middle East Peace,
Ithaca Press, 1997

Genocide in Cambodia: Documents from the Trial of Pol Pot and Ieng Sary
(edited, with Howard J. DeNike and Kenneth J. Robinson), University of
Pennsylvania Press, 2000

The Soviet Legacy: The Impact of Soviet Law on the West (in progress)

The Genocide Thicket (in progress)

XI. BOOK SEGMENTS

Articles titled "Appellate Procedure, Criminal Procedure," "Criminal
Investigation," "Criminal Procedure," "Indictment," "Judgments, Criminal
Procedure," "Jurisdiction, Criminal Procedure," "Preliminary
Investigation," and "Sentences" in F.J.M. Feldbrugge (ed.), Encyclopedia
of
Soviet Law, A.W. Sijthoff/Oceana Publications, 1973; second revised
edition, Nijhoff, 1985

Excerpts from Basic Laws on the Structure of the Soviet State, The
Merchant
Shipping Code of the USSR (1968), and The Soviet Foreign Trade Monopoly:
Institutions and Laws, in Dietrich A. Loeber, East-West Trade: A
Sourcebook
on the International Relations of Socialist Countries and Their Legal
Aspects (four volumes), Oceana Publications, 1976-1977

"The Merchant Shipping Code of the USSR" (translated, with William E.
Butler), in William B. Simons (ed.), The Soviet Codes of Law, Sijthoff &
Noordhoff, 1980, published in the series Law in Eastern Europe, No. 23
(F.J.M. Feldbrugge, general editor), pp. 1143-1217

"Human Rights and Palestine," in Ibrahim Abu-Lughod (ed.), Palestinian
Rights: Affirmation and Denial, Medina Press, Wilmette, Illinois, 1982,
pp.
142-149

"Africa Human Rights Treaty: A Step Forward," in Global Studies: Africa,
Dushkin Publishing Group, Guilford, Connecticut, 1984

"The Impact of Soviet Law in the West: Boon or Bane?" in William E.

Butler,
Peter B. Maggs, John Quigley (eds.) Law After Revolutions: Essays on
Socialist Law in Honor of Harold J. Berman, Oceana Publications, 1988, pp.
131-161

"Territorial Application of the Convention: Article 4," in Cynthia Price
Cohen (ed.), Independent Commentary: United Nations Convention on the
Rights of the Child, Defense for Children International-USA, 1988, pp.
29-33

"The Soviet Bar as an Institutional Lobby for Rights," in Albert Schmidt
(ed.), The Impact of Perestroika on Soviet Law (series Law in Eastern
Europe, no. 41), Martinus Nijhoff, 1990, pp. 519-524

"Enforcement of Human Rights in U.S. Courts: The Trial of Persons
Kidnapped
Abroad," in Mark Gibney (ed.), World Justice? U.S. Courts and
International
Human Rights, Westview Press, 1990, pp. 59-80

"Law Reform and the Soviet Courts," in Legal Reform in the USSR,
Transnational Juris Publications, 1991, pp. 59-75

"The Right to Form Trade Unions under Military Occupation," in Emma
Playfair (ed.), International Law and Administration of Occupied
Territories: Two Decades of Israeli Occupation of the West Bank and Gaza
Strip, Oxford University Press, 1992, pp. 295-312

"The Romanist Character of Soviet Law," in F.J.M. Feldbrugge (ed.), The
Emancipation of Soviet Law, Kluwer, 1992, pp. 27-49

"Aggression, Right to Self-Determination and Impunity," in Impunity,
International League for the Rights and Liberation of Peoples, Geneva,
1993, pp. 92-99

Entries titled "Bay of Pigs," "Grenada," "Guatemala," "Korea,"
"Nicaragua," and "Vietnam," in Donald Wells (ed.), Encyclopedia of
Military
Ethics Greenwood Press, 1996

"The Right of the Palestinians to Return and to Be Compensated," in Beyond
Rhetoric: Perspectives on a Negotiated Settlement in Palestine (Center for
Policy Analysis on Palestine, Washington, D.C., 1996), pp. 21-26

"Jerusalem in International Law," in Ghada Karmi (ed.), Jerusalem Today:
What Future for the Peace Process?, Ithaca Press, 1996, pp. 25-43

"The P.L.O.-Israeli Interim Agreements and the Geneva Civilians
Convention," in Stephen Bowen (ed.), Human Rights, Self-Determination and
Political Change in the Occupied Palestinian Territories, Kluwer Law
International, Martinus Nijhoff Studies in Human Rights Series, 1997, pp.
25-46

"The Right of Return of Displaced Jerusalemites," in Michael Prior (ed.),
Western Scholarship and the History of Palestine, Fox Communications and
Publications (London), 1998, pp. 83-90

"Judicial Protection in Israel-Occupied Territories," in Mark Gibney and Stanislaw Frankowski (eds.), *Judicial Protection of Human Rights: Myth or Reality?*, Greenwood Press, 1999, pp. 69-85

"The Right of Displaced Palestinians to Return to Home Areas in Israel," in Ghada Karmi and Eugene Cotran (eds.), *The Palestinian Exodus 1948-1998*, Ithaca Press, 1998, pp. 151-169

"Legal Consequences of a Second Declaration of Palestine Statehood," in *Palestine Statehood* (Center for Policy Analysis on Palestine, Washington, D.C. (1999))

"Baltic Russians: Entitled Inhabitants or Unlawful Settlers," in Roger Clark, Ferdinand Feldbrugge, and Stanislaw Pomorski (eds.), *International and National Law in Russia and Eastern Europe: Essays in Honor of George Ginsburgs* (series Law in Eastern Europe no. 49), Kluwer (2001)

"Palestine: The Issue of Statehood," in *Palestine and the Law: Essays in Politics and Economics* Sanford R. Silverburg (ed.), McFarland & Co. (2002), pp. 37-54

"Russia's Practice in the UN Security Council on Threats to the Peace," *Public Law in Russia: Essays in Honor of Donald Barry* (series Law in Eastern Europe no. 50), Kluwer (forthcoming 2003)

XII. ARTICLES

"The New Soviet Approach to International Law," *Harvard International Law Club Journal*, Vol. 7, No. 1 (Winter 1965), pp. 1-32

"Comment on the Presumption of Innocence in Soviet Law" (with H. J. Berman), *U.C.L.A. Law Review*, Vol. 15, No. 4 (June 1968), pp. 1230-1239

The following articles in *American Review of East-West Trade*:

- "Soviet Export Bonuses" (April 1968)
- "United States - Soviet Consular Convention" (July 1968)
- "Legal Regulation of Soviet License Sales" (August 1968)
- "Liability for Improper Performance by Foreign Suppliers in Eastern Europe" (September 1968)
- "Soviet Export Councils" (October 1968)
- "New Soviet Merchant Shipping Code" (series of three articles--December 1968, January 1969, February 1969)
- "New Regulations for Recording Assignments, Patents and Trademarks in U.S.S.R." (March 1969)

"Soviet Conflict Rules: Merchant Shipping Code of 1968 (A Comment)," *American Journal of International Law*, Vol. 63, No. 3 (July 1969), pp. 529-536

"Apropos the 1968 Soviet Maritime Code," *San Diego Law Review*, Vol. 6, No. 3 (July 1969), pp. 412-427

"Comecon 1968 General Conditions for the Delivery of Goods" (with Thomas Hoya), *Ohio State Law Journal*, Vol. 31, No. 1 (Winter 1970), pp. 1-51

"Soviet Foreign Trade Agencies Abroad: A Note," *Law and Contemporary*

Problems, Vol. 37, No. 3 (Summer 1972), pp. 465-473

"H.R. 6869 (S. 1437): An Unwarranted Expansion of Federal Crime Jurisdiction," in "Federal Criminal Code Reform: The Jurisdiction Issue," Criminal Law Reporter, June 14, 1978, Supplement to Vol. 23, No. 11, pp. 9-27. In same issue, pp. 30-40: "Response to Professor Schwartz's Analysis," a response to Louis B. Schwartz, "Federal Jurisdiction: An Analysis of Professor Quigley's Statement," in same issue, pp. 27-30. Professor Schwartz's article is an analysis of the article appearing at pp. 9-27.

"The Federal Criminal Code Revision Plan: An Epitaph for the Well Buried Dead," George Washington Law Review, Vol. 47, No. 3 (1979), pp. 459-474

"The 1926 Soviet Family Code: Retreat from Free Love," Soviet Union, 6, Pt. 2 (1979), pp. 166-174

"Vietnam's Legal Regulation of Foreign Trade and Investment," International Trade Law Journal, Vol. 6, No. 1 (Fall-Winter 1980-81), pp. 24-38

"Human Rights and Palestine: Recent Developments," United Nations, General Assembly, Fourth United Nations Seminar on the Question of Palestine, August 31 - September 4, 1981, Havana, Cuba, Special Unit on Palestinian Rights, United Nations, Document No. 82-18152, New York, 1982, pp. 200-209

"United States Responsibility under International Law for Israeli Violations of Palestinian Rights in the West Bank and Gaza Strip," United Nations, General Assembly, Fifth United Nations Seminar on the Question of Palestine, March 15-19, 1982, New York, Special Unit on Palestinian Rights, United Nations, Document No. 82-20131, New York, 1983, pp. 264-281 (in French as "La responsabilit?? des Etats-Unis en droit international du fait des violations par Israel des droits des Palestiniens sur la Rive Occidentale et dans la Bande de Gaza")

"Africa Human Rights Treaty: A Step Forward," in Guild Notes, May, 1983, p. 13

"Cases on Preventive Detention Acts," Eastern Africa Law Review, Vol. 11-14 (1978-81), pp. 326-370

"OAU Boosts Human Rights," in Africa News, August 22, 1983, pp. 3-9

"United States Complicity in Israel's Violation of Palestinian Rights," Palestine Yearbook of International Law, Vol. 1, Nicosia, Cyprus, 1984. Arabic translation in Al-Watan newspaper, Kuwait.

"Parachutes at Dawn: Issues of Use of Force and Status of Internees in the U.S.-Cuban Hostilities on Grenada, 1983," Inter-American Law Review (University of Miami), Vol. 17, No. 2 (1986), pp. 199-248

"Palestine and the Palestinians: The Importance of Self-Determination," Lesotho Law Journal, Vol. 2, No. 2 (1986), pp. 131-150

"Complicity in International Law: A New Direction in the Law of State Responsibility," British Year Book of International Law, Vol. 57 (1986), pp. 77-131 (abstracted in International Political Science Abstracts)

"The United States Invasion of Grenada: Stranger than Fiction," Inter-American Law Review, Vol. 18, No. 2 (1986-87), pp. 271-352

"The International Law Commission's Crime-Delict Distinction: A Toothless Tiger?" Revue de droit international (Geneva), Vol. 66, No. 2 (1988), pp. 117-161

"Soviet Courts Undergoing Major Reforms," International Lawyer, Vol. 22, No. 2 (Summer 1988), pp. 459-473

"The Palestinian Question in International Law: An Historical Perspective," Arab Studies Quarterly, Vol. 10, No. 1 (1988), pp. 44-58 (abstracted in International Political Science Abstracts)

"Eliminating Terrorism: A Law and Justice Approach," Connecticut Journal of International Law, Vol. 3, No. 1 (1987), pp. 47-70

"Government Vigilantes at Large: The Danger to Human Rights from Kidnapping of Suspected Terrorists," Human Rights Quarterly, Vol. 10, No. 2 (1988), pp. 193-213

"The New Soviet Law on Appeals: Glasnost' in the Soviet Courts," International and Comparative Law Quarterly, Vol. 37, Part 1 (1988), pp. 172-177

"The Soviet Bar in Search of a New Role," Law & Social Inquiry (formerly American Bar Foundation Research Journal), Vol. 13, No. 1 (1988), pp. 201-210

"The Function of the Criminal Sanction in Socialist Law: Implications for the United States," Legal Studies Forum, Vol. 12, No. 2 (1988), pp. 175-190

"The Legality of Military Bases in Non-Self-Governing Territory: The Case of United States Bases in Puerto Rico," Denver Journal of International Law and Policy, Vol. 16, No. 2-3 (1988), pp. 319-347 (abstracted in International Political Science Abstracts)

"Vietnam at the Legal Crossroads Adopts a Penal Code," American Journal of Comparative Law, Vol. 36, No. 2 (1988), pp. 351-357

"The Reagan Administration and Third World Self-Determination," Guild Practitioner, Vol. 45, No. 2 (1988), pp. 54-64

"Perestroika and International Law," American Journal of International Law, Vol. 82, No. 4 (1988), pp. 788-797 (abstracted in International Political Science Abstracts)

"Will the Inquisitorial System Wither Away?: Perestroika in the Soviet Lock-up" Public Law Review (St. Louis University), Vol. 8, No. 1 (1988), pp. 121-139

"The Authorization of Torture," Palestine Perspectives, no. 37 (1988), p. 5

"International Limits on Use of Force to Elicit Confessions: A Critique of Israel's Policy on Interrogation," Brooklyn Journal of International Law, Vol. 14, No. 3 (1988), pp. 485-502

"Ohio's Unique Rule on Burden of Persuasion for Self-Defense: Unraveling the Legislative and Judicial Tangle," Toledo Law Review, Vol. 20, No. 1 (1989), pp. 105-131

"The Relation Between Human Rights Law and the Law of Belligerent Occupation: Does an Occupied Population Have a Right to Freedom of Assembly and Expression?" Boston College International and Comparative Law Review, Vol. 12, No. 1 (1989), pp. 1-28

"Congress and the P.L.O. and Conflicts between Statutes and Treaties," Wayne Law Review, Vol. 35, No. 2 (1989), pp. 83-96

"The Soviet Conception of the Presumption of Innocence," Santa Clara Law Review, Vol. 31, No. 1 (1989), pp. 301-329

"The Reagan Administration's Legacy to International Law," Temple International and Comparative Law Journal, Vol. 2, No. 2 (1988), pp. 199-221

"Most-Favored-Nation Status and Soviet Emigration: Does the Jackson-Vanik Amendment Apply?" Loyola of Los Angeles International and Comparative Law Journal, Vol. 11, No. 3 (1989), pp. 543-548

"The International Crimes of Israeli Officials," The Link, Vol. 22, No. 4 (1989)

"Palestine's Declaration of Independence and the Right of the Palestinians to Statehood," Boston University International Law Journal, Vol. 7, No. 1 (1989), pp. 1-33 (abstracted in International Political Science Abstracts)

"Human Rights Study in Soviet Academia," Human Rights Quarterly, Vol. 11, No. 2 (1989), pp. 452-458 (abstracted in International Political Science Abstracts)

"Vietnam's First Modern Penal Code," New York Law School Journal of International and Comparative Law, Vol. 9, Nos. 2-3 (1988), pp. 143-193

"Iran and Iraq and the Obligation to Release and Repatriate Prisoners of War After the Close of Hostilities" American University Journal of International Law, Vol. 5, No. 1 (1989), pp. 73-86

"The Common Law's Theory of Criminal Liability: A Challenge from Across the Atlantic," Whittier Law Review, Vol. 11, No. 2 (1989), pp. 479-509

"Socialist Law and the Civil Law Tradition," American Journal of Comparative Law, Vol. 37, No. 4 (1989), pp. 781-808

"Legal Implications of the Dismantling of the Soviet Foreign Trade Monopoly," International Tax and Business Lawyer, Vol. 7, No. 2 (1989), pp. 275-298

"Territorial Application of the Convention: Article 2" (symposium on Convention on the Rights of the Child), New York Law School Journal of Human Rights, Vol. 7, No. 3 (1989), pp. 35-46

"Law for a World Community," Syracuse Journal of International Law and Commerce, Vol. 16, No. 1 (1989), pp. 1-38

"David v. Goliath: Humanitarian and Human Rights Law in Light of the Palestinian Right of Self-Determination and Right to Recapture Territory Taken by Force," New York University Journal of International Law and Politics, Vol. 21, No. 3 (1989), pp. 489-525

"The Soviet 'New Thinking' in International Law: An Opening to End the Cold War?" Wisconsin International Law Journal, Vol. 8, No. 1 (1989), pp. 97-122

"Death Row as a Violation of Human Rights: Is It Illegal to Extradite to Virginia?" (with S. Adele Shank), Virginia Journal of International Law, Vol. 30, No. 1 (1989), pp. 241-271

"La Relation entre la Législation des Droits de l'Homme et le Droit de l'Occupation Belligérante: Une Population Occupée a-t-Elle Droit à la Liberté de Réunion et d'Expression?", Palestine et Droit (Brussels), no. 4 (1990), pp. 30-66

"Law Reform and the Soviet Courts," Columbia Journal of Transnational Law, Vol. 28, No. 1 (1990), pp. 59-75

"Trade Unions and War: The Right to Organize Under Belligerent Occupation," Hastings International and Comparative Law Review, Vol. 13, No. 2 (1990), pp. 241-266

"The Need to Abolish Defenses to Crime: A Modest Proposal to Solve the Problem of Burden of Persuasion," Vermont Law Review, Vol. 14, No. 1 (1990), pp. 335-368

"The Soviet Union as a State Under the Rule of Law: An Overview," Cornell International Law Journal, Vol. 23, No. 2 (1990), pp. 205-225

"The Invasion of Panama and International Law," Studies in International Relations (International Progress Organization, Vienna), No. 16, 1990

"The Transformation of Eastern Europe and the Convergence of Socialist and Capitalist Law," Willamette Law Review, Vol. 26, No. 4 (1990), pp. 937-956

"The Legality of the United States Invasion of Panama," Yale Journal of International Law, Vol. 15, No. 2 (1990), pp. 276-315

"A panamai inv??zi?? ??s a nemzetk??zi t??rv??nyess??g" (The Panama Invasion and International Legality) (in Hungarian), L??t??nk, no. 1-2 (1991), pp. 118-146

(a Hungarian-language political science journal published in Yugoslavia)

"The Rule of Non-Inquiry and the Impact of Human Rights on Extradition Law," North Carolina Journal of International Law and Commercial Regulation, Vol. 15, No. 3 (1990), pp. 401-439

"The Presumption of Innocence and American Law" (in Russian), Soviet State and Law (Moscow), No. 19 (1990), p. 156

"The United States, the Security Council, and the Gulf War," Guild Practitioner, Vol. 48, No. 2 (1991), pp. 58-68

"Strangers in Strange Lands: Extradition from Foreign Jurisdictions in Capital Cases" (with S. Adele Shank), The Champion (National Association of Criminal Defense Lawyers), July 1991, pp. 33-35

"The Soviet Presidency," American Journal of Comparative Law, Vol. 39, No. 1 (1991), pp. 67-93

"Freedom of Expression in the Soviet Media," Loyola Entertainment Law Journal, Vol. 11, No. 2 (1991), pp. 269-292

"Crisis in the Persian Gulf: The Palestinian Connection," University of Dayton Review, Vol. 21, No. 2 (1991), pp. 65-70

"Apartheid Outside Africa: The Case of Israel," Indiana International & Comparative Law Review, Vol. 2, No. 1 (1991), pp. 221-251

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"The Invalidity of an Overbroad Statute" (with S. Adele Shank), Kansas Law Review, Vol. 40, No. 1 (1991), pp. 45-76

"Child Pornography and the Right to Privacy," Florida Law Review, Vol. 43, No. 3 (1991), pp. 347-404

"Prospects for the International Rule of Law," Emory International Law Review, Vol. 5, No. 2 (1991), pp. 311-320

"Old Jerusalem: Whose to Govern?" Denver Journal of International Law and Policy, Vol. 20, No. 1 (1991), pp. 145-166 (abstracted in International Political Science Abstracts)

"Soviet Immigration to Israel: Is It Legal?" Georgia Journal of International and Comparative Law, Vol. 21, No. 3 (1991), pp. 387-413

"The United States and the United Nations in the Persian Gulf War: New Order or Disorder?" Cornell International Law Journal, Vol. 25, No. 1 (1992), pp. 1-49

"The Tanzania Constitution and the Right to a Bail Hearing," African

Journal of International and Comparative Law, Vol. 4, No. 1 (1992), pp. 168-182

"Perestroika African Style: One-Party Government and Human Rights in Tanzania," Michigan Journal of International Law, Vol. 13, No. 3 (1992), pp. 611-652

"The New World Order and the Rule of Law," Syracuse Journal of International Law and Commerce, Vol. 18 (Spring 1992), pp. 75-110

"The United Nations Action Against Iraq: A Precedent for Israel's Arab Territories?" Duke Journal of Comparative & International Law, Vol. 2, No.

2 (1992), pp. 195-228 (abstracted in International Political Science Abstracts)

"Family Reunion and the Right to Live in Occupied Territory," Georgetown Immigration Law Journal, Vol. 6, No. 2 (1992), pp. 223-251

"The Dilemma of Prostitution Law Reform: Lessons from the Soviet Russian Experiment," American Criminal Law Review, Vol. 29, No. 4 (1992), pp. 1197-1234

"Soviet Criminal Law," Criminal Law Forum, Vol. 3, No. 2 (1992), pp. 271-287

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"The Legality of the Biological Defense Research Program," Annals of the New York Academy of Sciences, vol. 666 (1992), pp. 131-145

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"Our Men in Guadalajara and the Abduction of Suspects Abroad: A Comment on United States v. Alvarez-Machain," Notre Dame Law Review, Vol. 68, No. 4 (1993), pp. 723-746

"Criminal Law and Human Rights: Implications of United States Ratification of the International Covenant on Civil and Political Rights," Harvard Human Rights Journal, Vol. 6 (1993), pp. 59-86

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"Legal Regulation of Foreign Trade in the USSR," American Association for the Advancement of Slavic Studies, Dallas, Texas, March 16, 1972

"Apartheid as a Crime against Humanity," World Conference against Apartheid, Racism and Colonialism in Southern Africa, Lisbon, Portugal,

June 16, 1977

"Basics of American Law," Bar Association of Jordan, Amman, Jordan, July 15, 1977

"Deepsea Mining in the Draft Treaty on the Law of the Sea," American Association of Jurists, Havana, Cuba, October 24, 1977

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"Legal Issues in the Arab-Israeli Conflict," Goshen College, Goshen, Indiana, April 8, 1980

"Threat to the Peace in the Persian Gulf: The Carter Doctrine and United States Military Intervention in the 1980s," International Association of Democratic Lawyers, Malta, November 13, 1980

"The Illegality of United States Intervention under International Law and U.S. Domestic Law," with Elliott L. Meyrowitz, American Association of Jurists, Managua, Nicaragua, August 27, 1981

"Aspects of Socialism Reflected in the Legal System of the U.S.S.R.," Faculty Seminar, Faculty of Law, University of Dar es Salaam, Tanzania, October 27, 1982

"The Rule of Law in Central America," Mershon World Affairs Seminar, Ohio State University, May 24, 1984

"Complicity in International Law," Comparative Law Seminar, American Association of Jurists, Managua, Nicaragua, August 3, 1984

"Israeli Violations of International Law," National Conference of Palestine Human Rights Campaign, Chicago, September 29, 1984

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"Current International Relations Issues," Kenyon College, April, 27, 1987

"Soviet Law Reform," Faculty Colloquium, College of Law, Ohio State University, Oct. 16, 1987

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"New Soviet Perceptions of the U.S.-U.S.S.R. Rivalry," at Superpower Conference: Economic Relations with the U.S.S.R. and U.S. National Interests, Center for Foreign Policy Development, Brown University, Providence, R. I., Dec. 2, 1988

"Legal Aspects of the Middle East Conflict," Oklahoma State University, Stillwater, Oklahoma, March 3, 1989

"Human Rights in International Law," Oklahoma State University, Stillwater, Oklahoma, March 4, 1989

"International Human Rights Law and Israel's Efforts to Suppress the Palestinian Uprising," Conference, The Palestinian Uprising: Legal, Moral and Political Issues, Chase College of Law, Northern Kentucky University, March 20, 1989

"Legal Reform in the U.S.S.R.," Center for Slavic and East European Studies, Ohio State University, Oct. 18, 1989

"The Soviet Union as a State Under the Rule of Law," Cornell Law School, Feb. 16, 1990

"International Aspects of Capital Punishment," College of Law, University of Cincinnati, Feb. 24, 1990

"Apartheid and International Law," Center for African Studies, Ohio State University, June 6, 1990

"The Romanist Character of Soviet Law," IV World Congress for Soviet and East European Studies, Harrogate, England, July 23, 1990

"Palestine and Israel: Legal Status," College of Law, University of

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"International Human Rights Law in the Iraqi War," Conference on the Middle East War, Loyola University, New Orleans, March 9, 1991

"The Legality of the Biological Research Defense Program," Conference titled "The Microbiologist and Biological Defense Research: Ethics, Politics and International Security," University of Maryland (Baltimore), April 5, 1991

"International Remedies for the Palestinians," Conference titled "Linkages in the Middle East: Opportunities for Justice and Peace," Department of Sociology, University of Dayton, April 6, 1991

"The Aftermath of the Gulf War," Capital University, April 9, 1991

"What Now for the Palestinians," Ohio University, Athens, Ohio, April 10, 1991

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"The Palestinians After the Gulf War," Ohio State University (Mansfield), May 7, 1991

"Realignment in the Middle East after the Gulf War," Columbus Metropolitan Club, May 15, 1991

"Democratization in the U.S.S.R.," GlobePlotter Program, Franklin County Educational Council, November, 8, 1991

"The International Legal Dimensions," Symposium on the Middle East Peace Process, Center for Policy Analysis on Palestine, Washington, D.C., November 12, 1991

"Soviet Immigration to Israel and International Law," Middle East Studies Association, Washington, D.C., November 25, 1991

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"Middle East Peace Process," International Law Society, Ohio State University, January 29, 1992

"The Rugged Individual and the Marlboro Man," United Christian Center, Ohio State University, February 28, 1992

"Middle East Peace Process," University of Toronto, March 28, 1992

"The Aftermath of the Gulf War," Capital University, Columbus, Ohio, April

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"Cuba: A Nation in Transition?", Columbus Metropolitan Club, Columbus, Ohio, Sept. 16, 1992

"The Ohio Importuning Statute (Constitutionality of Sexual Solicitations),"
Ohio State University Continuing Legal Education program titled Gay and Lesbian Rights, Columbus, Ohio, September 18, 1992

"Enforcing in U.S. Courts the International Covenant on Civil and Political Rights," Symposium on the International Covenant on Civil and Political Rights, De Paul College of Law, Chicago, February 25, 1993

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"The Rogue State Phenomenon: Reacting to States that Ignore the Rules," Association of the Bar of the City of New York and American Society of International Law, October 28, 1994

"Aspects of Federalism in the United States of America," Faculty of Law, University of Addis Ababa, Ethiopia, November 14, 1994

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"Legal Status of Jerusalem," seminar in Cairo, Egypt, sponsored by the League of Arab States and the Organization of the Islamic Conference, March 12, 1995

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"Freedom in the Balance: Human Rights in Nigeria and Kenya," Amnesty International, Ohio State University, January 17, 1996

"Judicial Autonomy in Palestine: Problems and Prospects," Workshop on International Law and Judicial Autonomy, University of Dayton, March 1, 1996

"Political and Economic Reform in Emerging Democracies," Seminar: Voices of Democracy, University of Dayton, March 2, 1996

"Rights of Palestinians to Return and to Compensation," Symposium on the Middle East Peace Process, Center for Policy Analysis on Palestine, Washington, D.C., March 29, 1996

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"Academic Excellence and Social Responsibility," Honor Society convocation, Wright State University, Dayton, Ohio, May 22, 1996

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"The New Dynamics of Self-Determination," International Law Association, New York, N.Y., November 1, 1996

"Current Problems Related to Jerusalem," Society for Islamic Law, Harvard Law School, Cambridge, Massachusetts, November 9, 1996

"International Perspectives on Capital Punishment," Urban Morgan Institute for Human Rights, College of Law, University of Cincinnati, February 22, 1997

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"Return of Displaced Persons to Their Home State: An Individual or a Collective Right," International Conference: Human Rights and the Final Status Issues, Palestinian Center for Human Rights, Gaza City, December 15, 1997

"Human Rights in United States Foreign Policy," Columbus Council on World Affairs, Columbus, Ohio, February 12, 1998

"Legality of Military Action against Iraq," International Law Society, College of Law, Ohio State University, February 18, 1998

"International Law and the Persian Gulf," Talk Radio FYI, Columbus, Ohio, February 18, 1998

"The Impact of Soviet Law in the West," Faculty Workshop Series, College of Law, Ohio State University, March 3, 1998

"Nationality Rights in Eastern Europe," College of Law, University of Cincinnati, April 9, 1998

"The International Court of Justice and Capital Punishment in the United States," College of Law, University of Cincinnati, April 9, 1998

"The United Nations and Iraq: International Law Perspective," College of Law, University of Cincinnati, April 9, 1998

"Legality of United Nations Resolutions on Palestine," Seminar: United States Policy in the Middle East, Georgetown University, April 17, 1998

"The Historical Role of the United Nations in the Arab-Israeli Conflict," Ohio State University, May 16, 1998

"Israel/Palestine: Is Peace Possible," Broad Street Presbyterian Church, Columbus, Ohio, October 11, 1998

"Implementation in Domestic Courts of Provisions of Treaties," Belarusian State University, International Relations Department, Minsk, Belarus, December 14, 1998

"Programs to Promote the Rule of Law in East Europe: Success and Failure," Belarusian State University, International Relations Department, Minsk, Belarus, December 14, 1998

"The Court System in the United States," Institute of Management of the President of Belarus, Law Department, Minsk, Belarus, December 15, 1998

"Legal Profession in the United States," Minsk City Collegium of Attorneys, Minsk, Belarus, December 16, 1998

"Education in Human Rights Law," United States Information Agency, Minsk, Belarus, December 17, 1998

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"Self-Determination as Applied to Kashmir," U.N. Human Rights Commission, Geneva, Switzerland, August 17, 1999

"Self-Determination after Kosovo and East Timor," International Law Association, New York, November 6, 1999

"The Death Penalty in the World Community," International Law Association, New York, November 6, 1999

"Jerusalem: Collective and Individual Rights," Royal Institute for Strategic Studies (U.K.) and Arab League Economic and Social Organization, London, England, December 15, 1999

"Julius Nyerere and the African Charter of Human and People's Rights," Symposium on Julius Nyerere, Center for African Studies, O.S.U., February 26, 2000

Keynote speech, Model Arab League, Center for Middle East Studies, O.S.U., March 10, 2000

"Worker Rights in the Global Economy," United Nations Association, Columbus, Ohio, April 6, 2000

"The Faces of Genocide," Columbus Museum of Art (in connection with photographic exhibit about Cambodia), April 20, 2000

"Dispute with Cuba over Elian Gonzalez," College of Law, Ohio State University, April 27, 2000

"Kent State University: Thirty Years Later," WOSU Radio, Columbus, Ohio, May 3, 2000

"Middle East Peace Talks," Ohio News Network (television), October 13, 2000

"Peace and Discontentment: Current Israeli-Palestinian Conflict," International Law Society, Ohio State University, October 17, 2000

"International Aspects of Affirmative Action," Black Law Students Association, Ohio State University, ... , 2001

"Ethnic Cleansing," International Law Association, Pepperdine Law School, Malibu, California, January 27, 2001

XVII. SUBJECTS TAUGHT

Criminal Law, Public International Law, Comparative Law, Comparative Criminal Law and Procedure, Legal Profession, Inter-Ethnic Conflict, International Aspects of Criminal Law, Human Rights Law, Legal Methods, Clinical Practicum: Criminal Defense, Law in the Soviet Union

XVIII. ADVANCED DEGREE THESES SUPERVISED

"Labor Rights in Tanzania," Issa Shivji, Ph.D. Dissertation, Faculty of Law, University of Dar es Salaam, 1982

"The Rise of Fundamentalism in Syria," Samer Badaro, M.A. Dissertation, Department of Political Science, Ohio State University, 1987

"Sea, Space and Ice: New Frontiers in International Negotiation," Margaret Clark, Ph.D. Dissertation, Department of Political Science, Ohio State University, 1988

"German Unification and the Jurists of East Germany: A Case Study in Law, Nation and History," Howard DeNike, Ph.D. Dissertation, Department of Anthropology, University of New Mexico, 1995

XIX. RESEARCH GRANTS

American Philosophical Society, 1971, "Theories of Gender Equality in the Family Law of the U.S.S.R. During the 1920s"

National Science Foundation, Law and Social Sciences Program, 1972, "Impact of Government Programs on Family Life: the Soviet Experiment"

Mershon Center, Ohio State University, National Security Faculty Award, 1988, "Eliminating Terrorism: A Law and Justice Approach"

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Def Exhibit: # 21

Date: 4/28/03

Judge: JMR

Case #: K102888

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I. POLICIES

A. Arrest and Custody

1. To protect the community against delinquent acts and to reduce the incidence of such acts, it shall be the policy of the Police Department to identify, apprehend, arrest and seek to convict all juveniles charged with acts which, if committed by an adult, would be a crime under the laws of the United States, the Commonwealth of Virginia, or the ordinances of the County of Fairfax.
2. a. Recognizing that diversion from the criminal justice system may be in the best interests of the community and some juveniles, it shall be the policy of the Police Department to seek to limit the use of arrest powers against juveniles who have committed acts which are otherwise lawful, but are designated as offenses if committed by a juvenile.
b. Arrests of juveniles alleged to be status offenders shall occur when probable cause has been established that a juvenile is a runaway; or that during the night hours a juvenile is without adult supervision and there is a clear and substantial danger to the child's welfare; or a detention order is known to be on file.

B. Release

To prevent the unnecessary detention of juveniles, it shall be the policy of the Police Department to make all reasonable efforts to release juveniles to a parent or a person acting as a parent who is available, able, and willing to take custody.

C. Detention

Officers shall seek to detain juveniles when:

1. A parent or person acting as a parent is unavailable to take custody;
or

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2. A parent or person acting as a parent is available but is unwilling to take custody; or
3. The release of the juvenile would constitute an unreasonable danger to the person or property of others; or
4. The release would present a clear and substantial threat of serious harm to a juvenile's life or health; or
5. The officer has cause to believe that a juvenile in custody will not appear in court as scheduled.

D. Notification to Parents

1. To encourage and support the use of parental authority, it shall be the policy of the Police Department to notify the parent or person acting as a parent, of the specific act or acts, other than a traffic violation, which brings a juvenile into police custody.
2. Such notification shall be made by telephone or in person, at the discretion of the arresting officer, and as soon as reasonably possible after the juvenile is taken into custody.

II. DEFINITIONS

Child, Juvenile, Minor: A person who is less than eighteen years of age.

Child in Need of Services or Supervision: A juvenile who is subject to compulsory school attendance but is habitually absent without justification; a juvenile who remains away from or who habitually deserts or abandons the family; and a juvenile who commits an act which is unlawful only if committed by a juvenile. These acts are more commonly known as status offenses.

Delinquent Acts: Acts designated as crime under the laws of the Commonwealth of Virginia or an ordinance of any city, county, town or service district, or under federal law, but not acts which would be an offense only if committed by a juvenile.

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III. IMMEDIATE CUSTODY

A. Juveniles who have committed delinquent acts may be taken into immediate custody when any one or more of the following conditions are present:

- 1. In the presence of the arresting officer, a juvenile commits an act which would be a misdemeanor if committed by an adult under federal, state or local law and ordinances, and the officer believes that such is necessary for the protection of the public interest.**
- 2. When a juvenile has committed one of the following misdemeanor offenses and, although the offense was not committed in the presence of the officer who makes the arrest, the arrest is based on probable cause on reasonable complaint of a person who observed the alleged offense:**
 - a. Shoplifting in violation of Section 18.2-103**
 - b. Assault and Battery**
 - c. Carrying a weapon on school property in violation of Section 18.2-308.1**
- 3. When there is probable cause to believe that a juvenile has committed an offense which would be a felony if committed by an adult.**
- 4. On the authority of a detention order or warrant known to be on file in this or a foreign jurisdiction.**

B. A juvenile who has committed no criminal offense may be taken into immediate custody under the following conditions:

- 1. There is a detention order known to be on file in this or a foreign jurisdiction; or**
- 2. Probable cause exists that a juvenile has run away from home; or**
- 3. Probable cause exists that a juvenile is without adult supervision at night, and under such circumstances that it is reasonably concluded**

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that there is a clear and substantial danger to the juvenile's welfare;
or

4. The juvenile agrees, voluntarily without the threat or use of coercion or force of any kind, to accompany an officer to a police facility. This action shall be for the limited purpose of seeking to return a child to the home or otherwise provide for proper care and supervision; or
 5. When a child is believed to be in need of inpatient treatment for mental illness as provided in Section 16.1-340.
- C. Juveniles who are escapees from jail, detention home, or other institution in which they were placed by order of Juvenile Court or other agency may be taken into immediate custody when:
1. There is a detention order or warrant known to be on file in this or a foreign jurisdiction.
 2. An officer has probable cause to believe that a juvenile has escaped or run away from jail, detention home, residential child care facility or home in which placed by court, Department of Family Services, or a licensed child welfare agency.

IV. RELEASE OF JUVENILES IN CUSTODY

Several courses of action are open to officers when deciding whether to release a juvenile in police custody. Three factors determine which of the available courses of action may be used. The factors are: the basis upon which the juvenile was taken into custody; whether the Juvenile Court is open or closed; and whether there is a parent or person acting as a parent who is willing to take custody and provide care for the juvenile. The courses of action are listed below. They shall be used in accordance with the policy set forth in paragraph I.B. of this General Order.

- A. Release when custody is under authority of a warrant/detention order.
1. When court is in session and/or when Juvenile Intake is open:

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- a. Juveniles, who are arrested at the request of the court on a detention order or *capias*, should be transported to Juvenile Intake.
 - b. An oral or written statement of the reasons for taking the juvenile into custody should be given to parent or other person acting with parental authority. In cases where notice is not given prior to transporting to the Juvenile Intake, the intake officer should contact the parent or legal guardian.
 - c. Once the child's physical placement is decided, the police officer should ensure that the intake process is completed and/or the detainee served with a copy of the detention order or *capias*. The officer should inform the intake officer whether the parent or custodian was notified of the juvenile's arrest.
2. When court is not in session and Juvenile Intake is closed:
- a. Take the juvenile to the Juvenile Detention Center located on Page Avenue in the most expeditious manner. Personnel are on duty authorized to take custody of the juvenile.
 - b. An oral or written statement of the reasons for taking the juvenile into custody should be given to parent or other person acting with parental authority. The police officer should inform the Intake officer on duty whether the parent or legal guardian was notified of the juvenile's arrest.
- B. Release when custody is taken based on an offense committed in the officer's presence or on probable cause:
1. When court is in session and/or when Juvenile Intake is open:
 - a. Release the juvenile to parent or person acting as a parent who is available and willing to provide supervision and care and issue oral counsel and warning as appropriate; or

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- b. Release the juvenile to parent or person acting as a parent upon their promise to bring the juvenile before the court when requested; or
 - c. Transport the juvenile to Juvenile Intake in the most expeditious manner possible. The police officer shall give to the intake officer a written statement of the reasons for taking the juvenile into custody. In such cases, the police officer shall be responsible for providing oral notice of the action taken at in-take to the juvenile's parent or person acting as a parent. The basis for any release will be established by the judge or intake officer.
2. When court is not in session and Juvenile Intake is closed:
- a. Release the juvenile to parent or person acting as a parent who is available and willing to provide supervision and care and issue oral counsel and warning as appropriate; or
 - b. Release the juvenile to parent or person acting as a parent upon their promise to bring the juvenile before the court when requested; or
 - c. Transport the juvenile in the most expeditious manner to the Juvenile Detention Center located on Page Avenue. Follow the intake officer's direction for the release or placement of the juvenile.
- C. Release when custody is taken based on probable cause that a juvenile has escaped from jail, detention home, residential child care facility or home in which placed by court, Department of Family Services or licensed child or welfare agency.
- 1. Whether Juvenile Intake is open or closed, the juvenile may be returned and released to the facility from which the juvenile escaped or fled.

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2. When Juvenile Intake is open and the juvenile is not released, the juvenile shall be taken to Juvenile Intake. The intake officer will determine where the juvenile will be placed.
 3. When Juvenile Intake is not open and the juvenile is not released, the juvenile shall be taken to the Juvenile Detention Center located on Page Avenue. The on-duty counselor will determine where the juvenile will be held or placed.
- D. Release when custody occurs because probable cause exists that a juvenile is a runaway, or to protect the juvenile's welfare (Section 16.1-246G):

If Juvenile Intake is open, an intake officer shall be notified of the action taken. If Juvenile Intake is closed, the police officer shall notify the on-duty counselor at the Juvenile Detention Center located on Page Avenue. The intake officer or counselor shall determine if a petition or detention order should be filed. If a detention order is authorized, the juvenile shall be placed in shelter care for no longer than twenty-four hours. If no petition or detention order is filed, the police officer shall as soon as practicable:

1. Return the juvenile home; or
 2. Release the juvenile to a parent, guardian, legal custodian or other person acting in the parents' place; or
 3. Release the juvenile.
- E. Release when custody occurs because a child is believed to be in need of inpatient treatment for mental illness:

The officer shall follow procedures pursuant to General Order 603.3, Mental Disturbance Cases.

- F. In all cases the officer shall notify the parent or legal guardian by telephone or in person, as soon as possible, that the juvenile was in police custody. School officials are not considered legal guardians for the purposes of this General Order.

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V. DETENTION OF JUVENILES

While it is the policy of the Police Department to avoid, whenever possible, the detention of juveniles, there are occasions when, to protect the community, detention should occur. This paragraph sets forth the circumstances in which officers shall seek the detention of a juvenile in custody from an intake officer of the Juvenile Court, if Juvenile Intake is open; or from a counselor at the Juvenile Detention Center, if Juvenile Intake is closed.

- A. An arresting officer shall seek to detain a juvenile whenever:
1. No parent or person acting as a parent is available to take custody.
 2. A parent or a person acting as a parent is available, but any one or more of the following conditions exist:
 - a. The parent or person acting as a parent is unwilling to take custody; or
 - b. The juvenile has no community ties; or
 - c. The juvenile is unable to furnish proper identification or otherwise inform the arresting officer of identity; or
 - d. The juvenile resists an arrest or attempts to escape custody after an arrest; or
 - e. The arresting officer has knowledge of the juvenile's prior history of failing to appear in court or fleeing to avoid prosecution; or
 - f. The arresting officer believes the juvenile is likely to harm himself or another person. The belief should be based on one or more of these facts:
 - (1) The juvenile is apparently under the influence of a drug, including alcohol.

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- (2) The juvenile exhibits violent or irrational behavior before, during, or after the arrest.
- (3) Statements from the juvenile indicate a likelihood that the juvenile will continue the offense which brought the juvenile into custody, or will commit another offense if released.

VI. FINGERPRINTS AND PHOTOGRAPHS

- A. Fingerprints and photographs shall be taken and filed for any juvenile who is taken into custody and charged with a delinquent act which would be reportable to the CCRE if committed by an adult.

When a juvenile is taken into custody, a CCRE, FBI Final Disposition Report and one FBI fingerprint card shall be completed. An OCA/FCN number shall be obtained for the juvenile and entered on these documents in the appropriate blocks. When a juvenile is released to his parents or other responsible adult acting in place of the parent, the juvenile shall sign their name in the CCRE, "Signature of Person Fingerprinted" block. The person accepting the juvenile shall sign below the juvenile's name and print their name below their signature. A photocopy of the first page of the CCRE shall then be given to the accepting adult. The original page one of the CCRE (white copy) and the FBI fingerprint card (one only) shall be sent to NOVARIS. The arresting officer shall retain the second page of the CCRE (buff/yellow copy), the third page (the CCRE fingerprint card) and FBI Final Disposition Report (green), and give it to the intake officer when obtaining a petition. If the petition is denied, the officer shall write in large, bold letters, "PETITION DENIED," across the face of page two of the CCRE. The second and third pages of the CCRE and the FBI Final Disposition Report should then be sent to NOVARIS for destruction.

- B. Fingerprints and photographs may not be taken under any other circumstances except that an officer may seek a Juvenile Court order requiring a juvenile to submit to the taking of either or both.
- C. Nothing in Section VI shall prevent officers from using for investigative purposes photographs obtained from persons in the community. The

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release of juvenile fingerprints to other law enforcement agencies shall only occur when a valid court order exists and they are to be used for law enforcement purposes.

VII. REPORTING REQUIREMENTS IN IMMEDIATE CUSTODY CASES

A. Juveniles voluntarily in custody.

An officer with a juvenile voluntarily in custody shall complete a field investigation report only. The report shall include the circumstances in which the juvenile came to police attention, the result of any steps taken to arrange for a return to the home or other appropriate care and supervision, and under what conditions the juvenile left police custody.

B. Juveniles released after issuance of oral counsel and warning.

1. The arresting officer shall, by telephone or in person, seek to notify the parent of the juvenile and shall complete a summons and field investigation report. In the "Describe Charge" section of the summons, officers shall note "released with oral warning." The field investigation report shall contain: all information concerning the case, including complete details relating to the facts that led the officer to conclude that this form of release was appropriate.

2. Cases involving a closure by the custody of a juvenile who is released after issuance of oral counsel and warning shall be closed by exceptional means.

3. In all cases the officer shall notify the parent or legal guardian by telephone or in person, as soon as possible, that the juvenile was in police custody. School officials are not considered legal guardians for the purposes of this General Order.

C. Juveniles released after receiving a promise to appear in court at a future date.

A field investigation report and a CCRE or Summons form shall be completed. The field investigation report shall contain:

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1. Complete information concerning the case, including a concise statement indicating the arresting officer's intent to secure petitions.
 2. The arresting officer shall seek a petition in all cases in which the child is released on a promise to appear in court. The petition shall be sought no later than ten calendar days after the release from custody. Officers shall make every effort to obtain the names and locations of both parents or legal guardians prior to responding to Juvenile Intake to secure a petition. The Affidavit/Certification form stating that the officer has attempted to obtain information about both parents or legal guardians of the juvenile named in the petition shall be signed by the arresting officer. The Juvenile Intake officer will consider an address not 'reasonable ascertainable' if both the juvenile and the known parent or guardian cannot provide the other parent's address.
 3. A supplemental investigation report shall be completed as soon as practical after the arresting officer appears before an intake officer for a petition. The supplement shall contain information concerning the issuance or refusal by the intake officer of the petition, the charge placed on the petition (if granted) and the court date.
 4. First-line supervisors shall review all investigative reports on juveniles taken into custody, to assure adherence to the policies and procedures of this order. First-line supervisors shall maintain a suspense file to ensure that petitions are obtained and supplemental reports are submitted by investigating officers within the required time periods.
- D. An officer with a juvenile in custody for being a runaway as stated in Section IV, paragraph D of this Order shall complete a field investigation report, containing all appropriate information.

VIII. JUVENILE ARRESTS - RECORDING

- A. Other than associated field or accident investigation reports, the CCRE or Summons form will be used to document the arrest of a juvenile.

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- B. The CCRE or Summons form is to be completed irrespective of whether the juvenile is placed in a detention facility, brought immediately before the Juvenile Court, or released to parental custody.
- C. The CCRE form is used when a juvenile is taken into custody and fingerprinted for an offense which would be reportable to the CCRE if committed by an adult. The arresting officer shall ensure that the buff copy and fingerprint card of the CCRE form along with the FBI Final Disposition Report (green) are filed with the Intake Department of the Juvenile and Domestic Relations Court at the time the petition is obtained.
- D. The Summons form is used in all cases where a juvenile is not fingerprinted. It is not used to order the appearance of the juvenile before the court. Its purpose is to record the fact of arrest for internal departmental use. If the arresting officer intends to bring the juvenile before the court, a petition must be filed with the Intake Department of the Juvenile and Domestic Relations Court. When releasing a juvenile to parental custody, a parent or person acting as a parent should sign the summons form. If the parent or person acting as a parent refuses to sign, the word "refused" shall be entered in the signature block. The parent's refusal to sign the summons is not grounds to arrest the parent.
- E. The CCRE and Summons form are used to record the names of juveniles who are taken into custody for committing an offense or pursuant to a detention order. It shall not be used to record the names of juveniles who are taken into custody for their own protection; this includes child abuse, neglect, abandonment, or when a juvenile is without adult supervision at night, and under circumstances which present a clear and substantial danger to the child's welfare. Child abuse, neglect, or abandonment are proper classifications for an investigation report. The proper classification for juveniles taken into custody for lack of supervision at night with a clear and substantial danger to their welfare shall be "child in need of services." This will eliminate the possibility of creating an arrest record for a juvenile in the Police Records Management Information System for these types of cases. The investigation report is adequate for recording the details of protective custody incidents.

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- F. In completing the CCRE or Summons form, the specific offense for which the juvenile was taken into custody shall be recorded regardless of the age of the juvenile.

IX. PETITIONS AND WARRANTS

A. Felonies

1. A petition shall be sought in all cases in which a juvenile is taken into custody for an act which, if committed by an adult, would be a felony; except under those circumstances provided herein when a warrant shall be sought.
2. A warrant shall be sought in cases in which a juvenile is in custody for an act that would be a felony, and any of the following conditions exist:
 - a. The Juvenile Court is closed and the arresting officer believes the juvenile should be detained. The warrant should be sought from a magistrate.
 - b. The intake officer of the Juvenile Court refuses to issue a petition sought for a felony. In such cases, the arresting officer shall immediately appeal the refusal to a magistrate; provided, after hearing the intake officer's reasons for refusing to issue a petition, the arresting officer continues to believe the charge initially sought should be made. The officer shall include, with the material presented to the magistrate, written notice from the intake officer of the refusal. There is no appeal from an intake officer's refusal for Class 2, 3, or 4 misdemeanors.

A magistrate's finding is final. If a warrant is issued, it shall be returnable to the Juvenile Court and served as a petition.

- c. A refusal shall have occurred when any of the following findings or decisions have been made by an intake officer:

- (1) That probable cause does not exist.

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- (2) That issuance of a petition would ~~not~~ be in the best interest of the family or juvenile.
- (3) That the matter may be effectively dealt with by an agency other than the court.
- (4) That a petition should be issued for ~~a~~ lesser charge than the charge sought by the arresting officer.

B. Other crimes

1. A petition may be sought or a warning may be issued in all other cases in which a juvenile is taken into custody for an act which, if committed by an adult, would be a Class 1, 2, 3, or 4 misdemeanor.

An officer seeking petitions in cases involving Class 1 misdemeanors is afforded the same "right to appeal," as in felony cases. The officer may choose to appeal the intake officer's decision of refusing to grant a petition if the officer feels prosecution is in the best interest of the case. If the officer decides to proceed with the appeal process, ~~the~~ same procedures and standards outlined in subsection "A" will apply.

2. If probable cause is established, the decision to ~~either~~ seek a petition or to warn the juvenile and advise a parent of the act shall be made by the arresting officer. Use of the warning is prohibited, however, if any of the following conditions apply:
 - a. The complainant or victim are committed to proceeding with a prosecution; or
 - b. The juvenile is known to have been ~~once~~ before warned in the preceding year for an act which, if committed by an adult, would be a crime; or
 - c. The juvenile is known to have been ~~once~~ before arrested in the preceding year for an act which, if committed by an adult, would be a crime.

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C. Traffic and other violations

Juveniles arrested for traffic violations shall be processed under the provisions of General Order 601.1, paragraph II. A. Summonses issued by an officer are sufficient and no petition is needed for violations of game and fish laws, and any ordinances establishing curfew violations.

When an officer makes an arrest of a juvenile for any alcohol related offense, and the juvenile is released to the custody of a parent/legal guardian pending the initial court date, the officer releasing a juvenile to the custody of a parent/legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent/legal guardian to appear before the court with the juvenile. The court date shall be set in accordance with current available court dates as prescribed by the Juvenile Court. In the event the parent/legal guardian refuses to sign, the officer will note the date, time and "parent refused to sign" on the summons. If the parent/legal guardian is not available, a petition shall be obtained.

D. Status offenses

1. Section 16.1-228, Code of Virginia, recognizes certain acts which may lead to a Juvenile Court finding that a juvenile is a "child in need of supervision." These acts, known more commonly as status offenses, or acts which are offenses only when committed by a juvenile, are as follows:

a. Habitual absence from school by a juvenile who is subject to compulsory school attendance. (Truant)

b. Habitual desertion or abandonment of the family. (Runaway)

2. Limits on the authority of police officers to take custody of alleged status offenders, established by Sections 16.1-246B and G are set forth in paragraph III.B. of this Order. Reports shall be classified as "missing juveniles" regardless of the reason for the juvenile's disappearance and shall be investigated as follows:

a. Preliminary reports for missing juveniles shall be forwarded to CIB for follow-up.

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- b. A Virginia Missing Children Information Clearinghouse Report, PD Form 135J, shall be completed by the officer and signed by the complainant. The form shall be forwarded to CIB with the preliminary report.
- c. Broadcast a local lookout for the missing juvenile. Requests for NCIC/VCIN entries shall be made by the officer conducting the preliminary investigation. If NCIC/VCIN entry is not possible before the report is forwarded for follow-up, it shall be noted in the report.
- d. If the missing juvenile is 12 years of age or younger, "endangered" by referring to PD Form 195 (New 5/96), the Endangered Runaway Checklist, or for any other reason the officer feels is significant, the officer will immediately notify his supervisor and brief the supervisor on the case.
- e. Upon notification and briefing by the preliminary officer, the supervisor will determine what the next immediate course of action should be, what resources are needed, and notify the district station commander or staff duty officer and PSCC.
- f. During the conference with the station commander or staff duty officer, a decision should be made as to what resources beyond patrol (except the usual: K-9 and Helicopter) should be utilized and if CIB should be requested to respond. If CIB is not called out, the Child Services Unit supervisor, or on call CIB supervisor, if after hours, should be notified.
- g. Cases identified as "endangered" shall be transmitted by FAX to the CIB Juvenile Section immediately upon completion of the report and not be deleted by using interoffice courier.
- h. Officers who apprehend juveniles who are on file by the Department as runaways shall notify the Public Safety Communications Center, Computer Section, of the apprehension(s).

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E. Abused or neglected juveniles

All cases involving alleged abuse or neglect of juveniles shall be processed under the provisions of General Order 603.2 (Assistance to Abused or Neglected Children).

X. TRANSPORTING JUVENILES

- A. No juvenile who is known or believed to be under fifteen years of age shall be transported or conveyed in a police patrol wagon, without supervisory approval.
- B. In situations involving mass arrest, juveniles may be transported in a police patrol wagon, with a supervisor's approval.
- C. No juvenile shall be transported with adults suspected of or charged with criminal acts.

XI. DESTRUCTION AND RETENTION OF FINGERPRINT CARDS AND PHOTOGRAPHS

- A. Destruction of fingerprint cards and photographs shall be the responsibility of NOVARIS and Crime Scene Section and shall be in accordance with Code of Virginia Section 16.1-299. It shall occur:
 - 1. Within 60 days of the taking when no petition is filed against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law.
 - 2. Within six months of the date of disposition when a juvenile is found not guilty by Juvenile Court or Circuit Court, or is found guilty of an offense which is not reportable to the CCRE if committed by an adult.
- B. Fingerprints and photographs shall be retained, and copies of the fingerprints forwarded to the CCRE, when the court finds that a juvenile has committed an offense which would be reportable to the CCRE if committed by an adult.

GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: ARREST AND DETENTION OF JUVENILES

NUMBER: 602.2

CANCELS ORDER DATED: 4-1-02

DATE: 7-1-02

C. Maintenance of files

1. Fingerprints and photographs of juveniles shall be separately and securely maintained. Access to these records will be restricted to official use, and may be viewed by the public and other law enforcement agencies only on the authority of a court order pursuant to Code of Virginia Section 16.1-301.
2. Commanders shall monitor the file containing fingerprints and photographs of juveniles to ensure their security and shall oversee the destruction of fingerprints and photographs as directed by the Chief of Police.

XII. LEGAL REFERENCES

Code of Virginia

- | | |
|-------------|-------------|
| 1. 16.1-228 | 4. 16.1-299 |
| 2. 16.1-246 | 5. 16.1-301 |
| 3. 16.1-247 | 6. 16.1-340 |

This General Order becomes effective July 1, 2002 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

APPROVED BY:

Chief of Police

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: ARREST PROCEDURES	NUMBER: 601
CANCELS ORDER DATED: 7-1-02	DATE: 1-1-03

3. Notification may be made by personal phone call or fax. Officers do not need to disclose the reason for the detention or arrest unless specifically requested by the consular officer or authorized by the foreign national. Officers should, however, provide the following information:
 - Officer's name, agency, address, and telephone number.
 - National's name, date of birth, place of birth, passport number, and date and place of passport issuance.
 - Current location of national and contact phone number.
4. The fact that an arrested or detained foreign national was advised of his right to have his consular officer notified, as well as whether notification was made, shall be documented in the Field Investigation Report. Notification regarding the death of any foreign national shall be documented in the Field Investigation Report or Supplementary Investigation Report.

C. Arrests of Illegal Aliens

1. Officers have no statutory authority to arrest undocumented aliens for violations of federal immigration laws. Arrests of illegal aliens must be for violations of state or county laws.
2. Notification to the United States Immigration and Naturalization Service (INS) shall be made under the following circumstances:
 - The arrest of an alien for involvement in terrorist or subversive activities.
 - The arrest of any person involved in fraudulent activity aimed at assisting undocumented aliens to enter the United States.
 - The arrest or involvement of an alien in possession of a firearm.
 - The arrest or involvement of an alien in prostitution.

Def Exhibit: # 22

Date: 4/28/03

Judge: JMR

Case #: K102888

SUBSTANCE OF ORAL STATEMENTS

On November 11, 2002, the defendant made oral statements to law enforcement officers the substance of which is as follows:

He stated that he wanted a veggie burger with ketchup. He said they sell veggie burgers at food coops, but he didn't know of any in the area. He also indicated he wanted water with his veggie burger.

The defendant said do I get to see my attorneys? Detective Boyle said yes. The defendant then said that his lawyer told him not to talk to the cops until they got here. It was explained to him that he was being charged in Virginia with new charges and that the police wanted to get some information about him. He said okay.

The defendant said he went to school in Jamaica. He talked about Jamaica, its economy and his life there. He talked about how he got to this area. He said he doesn't drive; he navigates. He said he's a pretty good navigator. He said he flips the maps that he uses in the way that the road goes. He said he also uses other methods of navigation because maps can get messed up.

He said he was between 13 and 17 years old when he came to America. He laughed at this. He said he went to Bellingham High in Washington. He said he also attended school in Fort Meyers, Florida. He said he ended up in Washington by closing his eyes and pointing to a map. He said he guessed that was also how he ended up in this area.

He said he had no social history. He further stated that the police could try to talk to people who knew him, but the police would not find anything out about him. He said his best friend is here with him. He said he doesn't have friends. He said he only has allies. He said he always has an objective every day and he comes home and thinks about what he'll do the next day.

He said an objective means a search for knowledge. He said he likes to read, run, and play basketball. He talked about books he'd read. He said he liked school until his senior year. At that point he felt school was a waste of time, so he quit.

He said he wanted to be a pilot. He said he'd thought about joining the Jamaican military but his mother wouldn't let him. She said she didn't want him to die. He mimicked his mother at this point in the conversation. He talked about the Jamaican military. He also said he enjoys traveling and seeing small towns.

He said he likes Washington State. He said the Washington region is too big and populated. He said Bellingham, Washington, only has about 60 thousand people. He said he'd like to run a health food business in Washington, holding seminars and selling vitamins. He said he meditates, a practice he learned from books. He talked about Jamaica some more and said he was born in 1985. He talked about going to Cuba and the economy in Cuba. He said it only costs \$30.00 to fly to Cuba. He said many Jamaicans

go there because it's inexpensive and you don't need a passport. He said he didn't mind Castro. He said he could leave Cuba any time because of his Jamaican citizenship.

He said he doesn't watch television but he watches DVD's. He said he loves the Matrix, We Were Soldiers and Platoon. He indicated his fondness for the movie Platoon and said he'd written papers about it. He said his teacher didn't like his papers. He talked about battle scenes in the movie We Were Soldiers.

He said he feels as if he's in a battle where if you fail you die. He made a reference to having one shot. He said he wouldn't change his life at all. He said if he could do it all over again he would do it exactly the same. He talked about destiny. He said there's a good side and a bad side. He said you have to deal with the good and the bad sides.

He said he was born and raised a Seventh Day Adventist and that most in this faith are vegetarians. He said he worships with Seiks and other religions. He indicated that he eats once a day but takes a lot of vitamins so he always feels good. He said he works out at YMCA's all over the country. He said he runs, and does pushups. He also expressed his interest in playing basketball. He said he went to a YMCA in Maryland but not in Richmond. He said you only need one ID to get in any YMCA. He said he has used other names at YMCA's.

He said his father's name is Leslie Malvo. He said he last saw his father in Jamaica in 1996. He said his father was all right. He said his father paid child support for a while but he wasn't around. He said he could find his father when he wanted him. He said his father is grown but acts like a child.

He said he met his friend while he was in a search for knowledge. He said he learned a lot from his friend. He said he, Malvo, gave orders a lot of the time. He said he and his friend covered each other. He said he could feel the energy when his friend was around. He said they can feel each other. He said he feels the same way about his mother. He said we protect each other from harm.

He said that if he had no relationship with someone, he had no right to harm them, but he would if he had to. He said if someone harms your family or things, you would have a right to harm them. He talked about establishing a truce with a person. He said let your word be bond.

He said whatever I did led me here. He said it's my choice to be here. He said he's in this situation because he failed. He said you have to face the consequences when you fail. He said he swayed from discipline. He said he was 99.9% successful, but he didn't dot all his i's and cross all his t's. He said you get about five minutes of pleasure and then you pay for it. He said there are consequences for what we do. He indicated he believed in reincarnation. He said people come back in different forms like dogs and fish.

He said he'll probably come back as a mountain and for 5000 years people would walk on him as punishment.

He said the five minutes of pleasure wasn't worth it. He said he'd do it again. He said whatever you do or don't do is a choice. He acknowledged being pretty smart for a seventeen year old by saying age doesn't dictate intelligence. He said a ten year old can graduate from college. He said he reads things that he wants to know about.

He said no one will ever know why he made his choices. He said everybody has the right to survive. He said it's survival of the fittest. He said that the people killed had a right to survive. He said when you say you're going to do something you do it. He indicated there's no way out of this. He said kill me. He stated he didn't care if he was tortured or placed in bondage. He stated that nothing bothers him.

Detective Boyle said it sounds like you want to talk about this case but we need to go over Miranda and read you your rights. The defendant said okay. At this point the defendant was advised of his Miranda rights. When asked if he would sign the form the defendant said there's a reason I can't write; it's self incriminating. Detective Boyle asked defendant if he wanted to sign it with an X. The defendant said yes and signed with an X. Detective Boyle said can we talk about the case now? The defendant said yes. Detective Boyle said do you want to talk without a lawyer present? The defendant said yes. Detective Boyle said you mentioned an attorney earlier, are you saying you want to talk to an attorney before you talk to us about this case? The defendant said no. Detective Boyle said are you saying you want an attorney before you talk to us about the case. The defendant said no. Detective Boyle said are you sure you want to talk to us without an attorney present? The defendant said yes. The defendant said if I don't want to answer I won't.

[REDACTED]

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Def Exhibit: # 23

Date: 4/28/03

Judge: JMR

Case #: K102888

Malvo is brought into the interview room, introduced to Boyle and Garrett and is informed that we'd like to talk to him. Boyle and Garret leave the room temporarily and Major Lomonaco enters the room. While Lomonaco is in the room, Malvo asks him for a vegie burger. Boyle was told he wanted a vegie burger and came back in the room. Boyle asked did he really want a vegie burger. He said he did. He is asked where can we get a vegie burger he said at a food coop. Boyle asks are there any food coops here? Ok, what do you want on it. Malvo says just ketchup. Then Boyle asks if he want anything to drink, soda or water and he said water. Garrett is back in the room now. Boyle leaves.

Boyle comes back in the room to says his vegieburger is on the way and she brings him a bottle of water.

We want to talk to you about a few things. At that time, Malvo says do I get to see my attorneys? Boyle answers yes Malvo then says the lawyer said not to talk to the cops until they get here. We explain to Malvo that we wanted him to understand that he was now being charged in Virginia and we'd like to get some information about you. Malvo agrees to talk with Boyle and Garrett. Boyle leaves the room and Garrett remains in the room.

Garrett asks Malvo about living in Jamaica and he said he lived and went to school in Jamaica. Garrett asks about what it is like with work in Jamaica and he says there isn't much work. He said in 1985 that much of the industry moved to Mexico, which really effected Jamaica's economy. Boyle enters the room and Malvo continues to talk about his life in Jamaica. Malvo was asked how he ended up in this area. Malvo then starts talking about how he got to this area

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CASE # 102888

and how he got around the area. How do you drive around? He said I don't drive, I navigate. Are you a good navigator? He said he was pretty good. He was asked if he uses a map. He says he keeps flipping the map in the way that the road goes. He replied other ways to navigate and said maps can get messed up. Malvo then starts demonstrating how he flips the map around. We continue to discuss his driving around the area.

The discussion is then about when and where he was born. He said he wanted to come to America. Was asked how old he was when he came to America. He laughed and said between 13 and 17 years old. Where did you go to school? The last school was Bellingham high and also attended school in Fort Myers, Florida. How did you get to Bellingham Washington? He said he closed his eyes and pointed at a map. Is that how you ended up here? I guess so. Asked about his social history and he said he would not talk about his social history. You can try to talk to people who knew me but you won't find anything out. He was asked who is your best friend? His response is "He's here with me? No he's not here, just you. I don't have friends I have allies. He advised that he never had friends as a kid, it's a waste of time. What would be a typical day for you? His response is, I always have an objective, I do it, come home and think about what to do tomorrow. He is asked what do you mean objective? And he stated search for knowledge. What do you like to do? I like to read, run and play basketball. Malvo talks about different books that he has read. He liked school until his senior year and that's a waste of time. What do you want to do? I want to be a pilot. Did you think about joining the military? I thought about it but his mom said no and he mimicked his mom. Mom said I don't want you to die. He continued to talk about the Jamaican military. What else do you like to do? He gets excited about that. I enjoy traveling, stopping in a small town. What's your favorite spot and he

responds Washington State. He asks if he likes this area. He doesn't like the population of this area. What do you mean population and he responds it is too big here. He'd rather be back in Washington because it has everything, smaller population "it has everything you want and need". How big is Bellingham? I don't know how many miles but Bellingham only has about 60,000 people. What would you do there? I'd run a business. What business would you do in Washington? He said food business, health food seminars and selling vitamins.

He is asked if he meditates. He says yes, he says he learned it from books. Malvo talks about Jamaica and said he was born in 1985. He talks about going to Cuba, the economy in Cuba, a plane ticket is only \$30, it was common to go there. Jamaican's can go there easily and don't need a passport. He talked about everything is subsidized. He doesn't mind Castro because he is Jamaican and can leave anytime. He enjoyed talking about Cuba. He was asked if he watches TV. He said no kill your TV. Do you watch movies? I watch DVDs. Which ones? Malvo responded he loves the "Matrix". Also "We Were Soldiers" and "Platoon". He loves "Platoon" and wrote three papers about it. And the teacher didn't like the papers. He talked about the battle scenes in "We Were Soldiers". Do you feel like you're in a battle? Yeah, you fail, you die. One shot that's it. I wouldn't change my life a bit. If I had it to do over, I'd do the exact same thing. Do you feel like you're satisfied with your life so far? Satisfied, there's destiny. There's a good side and a bad side; you have to deal with both. (Works with his hands when he discusses this).

Food arrives 16:55 hours. Brad uncuffs him. He has a two veggie burgers and water. He was born and raised a Seventh Day Adventist most Seventh Day Adventists are vegetarians. He

worships with Seiks and other religions. I only eat once a day but I take vitamins so he always feels good. Where do you work out? YMCA's all over the country. What type of workout do you do? I run, do push ups and I like to play basketball. Are there any YMCA's around here? He says he only went to one around here in Maryland. I did not go to one in Richmond. Do you need an ID to get into the YMCA? You only need one and can use it at any YMCA. Malvo also stated that he has used other names at the YMCAs.

Brad asks about his father. His father's name is Leslie Malvo. When did you last see your father? 1996 in Jamaica. Was he a good father? He was all right. Did he pay child support? He paid for a while. His father is not around but he could find his father if he wanted. His father is grown but acts like a child. How did you meet your friend? Search for knowledge. What did you learn from him? A lot of things. What was most important? Everything (motions anything that needed to be done). Would he listen to you? (Referring to Muhammad). Malvo stated he give the orders a lot of the time. We cover the what ifs and cover each other. Cover? Malvo: Like a cover man?

I know when my friend is around; I can feel his energy. I know when he's close. We can feel each other. We can be separated and then all of a sudden he taps me on the shoulder. Do you feel that way with anyone else? And he replies his mother. We protect each other from harm. Brad - Do we have the right to harm other people? If I have no relationship, no right to harm them. Would you? If I had to. Is there any just reason to harm people? If they harm . . . your family, your things etc. Malvo provides a senerio where he reconciles his differences with another individual verbally and establishes a truce. Malvo then states "let your word be your bond". Referring to the truce between the two individuals. Why are we here? Whatever I did.

lead me here. So why are we here? It's my choice to be here. I'm in this situation because I failed. Failed, you need to take the consequences. Do you feel like you lack discipline? I swayed from discipline. I failed at 99.9%, well (corrects himself) no 99.9% success rate but .1% failure. I didn't cross all my t's and dot my i's. You get about five minutes of pleasure and then you pay for it. Is there consequences for what we do in our lifetime? Yes. Do you believe in reincarnation? Yes. He responds that he does and he said he speaks of how people come back in different forms, including dogs, fish. What do you think you'll come back as next time? His response, He laments that he would be a mountain. Out of punishment he would have to be there for 5000 years and have people walk on him. So, was five minutes of pleasure worth it? No. Would you do it over again? Yes. Whatever you've done or haven't done, it's your choice. Yes. You're pretty intelligent for 17 years old. Age does not dictate intelligence; a 10-year-old can graduate from college. How did you get so smart? I read. If there's something I'm interest in or want to know, I read. June and I want to understand why you've made certain choices? No one will ever know. Everybody has the right to survive, survival of the fittest. Do the people killed have a right to survive? They have a right, however, when you say you're gonna do something, then you do it. Do you think there's a way out of this? No. Kill me I don't care or torture me or if it takes bondage nothing bothers me. It sounds like you want to talk about this case but we need to go over the miranda. Malvo - Ok. He is read the warning and consent form. He is asked if he will sign this so he can talk to us. There's a reason I can't write, it's self-incriminating. Ok, do you want to sign it with an X? Yes and signs with an X. Boyle, can we talk about the case now? He is asked do you want to talk without a lawyer present. Yes. You mentioned an attorney earlier, are you saying you want to talk to an attorney before we talk to us on this case. No. Are you saying you want an attorney before you talk to us about the case?

No. Are you sure you want to talk to us without an attorney present? Yes. If I don't want

answer, I won't.

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